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56 PAGES

FILMS TO WELD GOOD WILL

'Decency' and Kindred Film Bodies Rapped at Nat'l Teachers Confab

St. Louis, Dec. 6.

The Legion of Decency and similar organizations were rapped as hampering the development of motion pictures into one of the greatest and most influential arts of all time last week by Prof. Ernest Bernbaum of the University of Illinois, at a convention here of the National Council of Teachers of English. Prof. Bernbaum, who conducts a course in motion picture appreciation in addition to his English work, said he was an addict of good films and that he was concerned with helping to improve them and make them more edut.

"The future possibilities of the picture industry are glorious," the Prof. said, but will achieve that objective only if it is continuously and justly judged and enlightened by intelligent and fair-minded criticism. Discussing unsound ways of talking and writing about films, Prof. Bernbaum said, "The Legion of Decency and similar organizations ask only 'Is there anything morally objectionable in this picture? Does it show a leg? Does it utter a damn?' Does it disclose that babies are begotten and born? Does it betray the fact that alcohol, sex and hatreds of many kinds are powerful forces in life as it actually is?"

"These groups ask, 'Does the film (Continued on page 36)

Leni Riefenstahl Still Getting Film Business' Brushoff

Hollywood, Dec. 6.

Leni Riefenstahl remained publicity-shy since the studios put a quietus on her attempt to garner space by visiting the film plants, on the heels of the anti-Nazi group in Hollywood suggesting that folks forget about her, and after Phil Seltznick nixed a party of 16 in her honor at his night spot.

The German consulate, of course, denies the chill is being given Hitler's film front, but the studios sent out statements to the effect she was non-persona at their plants.

In the meantime Miss Riefenstahl has been sightseeing around, visiting museums, etc., and hobnobbing with society that the German consulate has been digging up for her entertainment. Though she announced she would get bit of Palm Springs sunshine no reservation has been made for her at the desert resort which, currently, is heavily populated by picture folks.

So far as Hollywood is concerned she is just another tourist whom it is too busy to show around or be seen with.

Cool to Nazi Pix

Leni Riefenstahl is not expected to get far with efforts to interest American companies in her Olympic (Continued on page 55)

JOLSON PIC COMEBACK IN 'SQUARE' AT 20-FOX

Hollywood, Dec. 6.

Three-star picture, 'Rose of Washington Square,' rolls at 20th-Fox Dec. 19 with Tyrone Power, Al Jolson and Alice Faye in the top spots. It marks Jolson's return to the screen after an absence of several years.

Film is high-budget musical on the order of 'Alexander's Ragtime Band,' but not a sequel. This was the film Irving Berlin was to score, but now won't. He's due out here this week on another film deal. Roy Del Ruth will direct from a screen play by Nunnally Johnson.

CAFE SOCIETY GRABS A BITE EARLY

Hit musicals and other Broadway clicks are giving the cafe-society bunch a reverse-twist, by breaking up leisurely dining-dancing habits. Now they're coming early for dinner and scrambling out pronto in order not to miss the rise of the curtain.

In former months there was even talk that legit would have to set back its curtains to 9:30-10 p.m., possibly, if the Continental-style diners were to be gotten into Times Square from their east side eateries. Now the class hotels and cafes are plugging 'express theatre dinners,' with headwaiters further fortified with exact time-tables of just what time each curtain rises, as a means of expediting the cafe bunch into the theatres.

Certain die-hard spots, which are empty at 8:30, but which formerly started filling up around 9 p.m. with fashionable late diners, now find themselves full at around 7:15 and empty at 8:30. Result is that the cafe diversissement, usually scheduled for 9:15-9:30, now finds itself performing to sparse crowds.

McCormack's Farewell

London, Dec. 6.

Having made his farewell appearance in concert, John McCormack is planning to turn impresario. Together with Frank Cooper, London concert singer's agent, the Irish tenor plans a world tour of British artists.

PAN-AMERICAN ACCORD VIA PIX

Celluloid Ambassadors to Cement Economic and Political Ties Between North and South America — U. S. Gov't Suggests Spanish and Portuguese Versions

URGE NEW MARKETS

Washington, Dec. 6.

Celluloid ambassadors of good will were suggested last week as means of strengthening economic and political ties with South and Central American republics. Without competing with private enterprise, Federal authorities contemplate using the cinema as part of a broad program which would create a strong bloc to defend democracy in the Western Hemisphere.

A similar use of radio for Pan-American amity is further detailed on page 35.

Cooperation of the commercially-minded film units is anticipated, but the ambitious scheme advanced last week by President Roosevelt's inter-departmental committee confined its discussion of the possible use of the cinema to government-sponsored activities. Production and distribution of special educational reels was the concrete recommendation.

Asking \$176,500 appropriation to finance the film good-will maneuvers, the White House advisors sketched the outlines of a general campaign of culture swapping that embodies radio (Continued on page 15)

'REFUGEE' BENEFITS GIVEN CAREFUL O. O.

The Welfare Department of New York City and the Theatre Authority are investigating a heavy crop of self-appointed refugee committees which have sprung up almost overnight during the past month. There's some doubt as to the true purpose of many fancily labeled groups who have set themselves up for the alleged purpose of aiding European refugees.

Monies collected through benefit performances, radio appeals and other forms of solicitation are getting careful scrutiny.

Christian Committee for Jewish Refugees is lining up group of five benefit shows to be presented simultaneously at five different locations in New York on Dec. 15. Benefits will all be paid shows.

Combination entertainment-dances will be offered at the Hunt's Point Palace, Bronx; Audubon ballroom, upper Broadway, Manhattan; Academy of Music, Brooklyn; Bronx Winter Garden and the Riverside Plaza, Manhattan.

6 Top Loew-Metro Execs Received 31% of the Net Profits in 1934-37

WMCA STAFF MEMBERS WEAR CATHOLIC GARB

Engineers and announcers of station WMCA, New York, who will handle special religious service at St. Xavier's church tomorrow (Thursday), will wear religious vestments during ceremony. Staffmen used will be Catholics.

Solemn pontifical vespers service celebrates 75th anniversary of St. Xavier Alumni Sodality.

SEE GOOD FLA. SEASON THIS WINTER

Night club bookers expect Florida to be okay this season, in view of general conditions and an anticipated easing up on the gambling situation.

Some early bookings set so far include Joe Lewis, at the Continental, Miami Beach, opening Jan. 25; Dwight Fiske at the Drums, in Coral Gables, new class spot which cost Emile Majeston \$70,000 to build, and seats only 150. Ramon and Renita open the spot Dec. 15; Peggy Fears and Lupe Velez come in later, along with Fiske.

George Cotter now has the Beach and Tennis, Miami Beach, and will play names as will Jack Dempsey's Vanderbilt hotel, M.B., this winter. Royal Palm, Miami, may have Harry Richman later in the winter, depending on commitments to his new New York spot, the Road to Mandalay, which preems Dec. 15.

Six top executives in Loew's, Inc., received 31% of the net profits of the corporation and its affiliate, Metro, during the period from 1934 to 1937, while the common stockholders got 59% of the earnings, according to testimony given yesterday (Tuesday) in the accounting suit brought against 11 of the Loew-Metro officers and directors. The officials who shared in these huge salaries and bonuses were Louis B. Mayer, Nicholas M. Schenck, David Bernstein, the late Irving G. Thalberg (whose estate, through his wife, Norma Shearer, is named a defendant), J. Robert Rubin and Arthur Loew. According to the testimony brought out through Bernard J. Reiss, plaintiffs' accountant, the six received a total of \$12,819,000, while the stockholders got \$21,611,000. The company's profits for the period amounted to approximately \$50,000,000.

Reiss was the first witness to take the stand since the trial started last Wednesday (30) in New York Su- (Continued on page 6)

Lyons, N. Y. Columnist, Barred from Shubert Theatres; An Old Gag

Shuberts have embarked on another newspaper scrap, current row dealing with Leonard Lyons, Broadway columnist for the New York Post, who has been barred from Shubert theatres.

Lee Shubert is said to have violently opposed Lyons' attending the premiere of 'Great Lady,' which Dwight Deere Wiman and Jack del Bondio presented at the Majestic, a Shubert house, last week. Columnist did not appear at the opening and (Continued on page 55)

In
Dance Tempo
The Hour of Charm
Biltmore Hotel, New York
Phil Spitalny
and his
All Girl Orchestra
Limited Engagement
CONCLUDING
DEC. 14

Southwest Merchants and Editors Resent Theatres Selling Goods And Accepting Ads; Talk Reprisal

Austin, Dec. 6.

Having formerly complained and battled individually against the circuit theatres' increased use of their lobbies for out-and-out merchandising, the Retail Merchants Association, the Wholesalers Association and the Southwest Editors Association have combined forces to combat collectively the merchandising tactics of Southwest theatre circuits. Retailers and wholesalers are burning plenty over the converting of the theatre lobbies into regular stores in which all types of merchandise are being sold, while the newspapers are sizzling over the circuits' invasion of the advertising field.

Retailers and the wholesalers base their complaint on the charges that the theatres are using unfair trade practices in setting themselves up as regular chain stores. Retail merchants, who must buy from the wholesaler at a price which gives the jobber a fair profit as go-between for manufacturer and retailer, are loud in their denunciation of the circuits which are buying merchandise direct from the manufacturer at a price which is lower than that obtained by the retailer.

Unfair Competition

Individual merchants allege that this is putting them under an unfair disadvantage in competition with the circuit stores, since the chain theatres are buying merchandise so much cheaper and their margin of profit is therefore so much greater. This margin of profit they can either pocket or shelve so the continued disadvantage of the individual merchant.

On their hand, the jobbers are squawking and threatening to petition Senator Wright Patman to take cognizance of a situation in which the wholesaler is being eliminated entirely by circuit theatres which are negotiating direct with the manufacturer. Not only is this practice tending to kill off the wholesaler entirely, but it puts the jobber's present customer at a disadvantage with the circuit theatre.

Federal Squawk

And still another facet of this situation that is bringing the jobbers to a point where they will appeal direct to the Federal authorities to intervene is the unfair practice of the circuits to set themselves up as wholesalers in their own rights. Besides engaging in retail merchandising, the circuits go further by stepping into the wholesale business, contacting other theatres throughout the Southwest to sell them job lots of popcorn, peanuts, soft drinks, etc., plus the machinery to prepare and dispense these items. Reported there is a possibility that these theatres may shortly go into the manufacturing end by taking over a Dallas factory for the manufacture of novelty items such as flags, dolls, costume jewelry, gift novelties, etc.

Association complaint is that though the theatres transform their lobbies into chain stores, they do not attempt to comply with municipal and state regulations regarding the operation of stores.

Newspapers Fieved

El Paso, Dec. 6. Increased use of screen and lobby advertising by theatres has the newspapers in this territory up in arms, and an appeal is being made to the Southwest Editors Association to take a direct step against continued operation in the ad field by the circuit houses.

Editors, who at first gave theatre ads a mild eye, are now alarmed at the growth of the screen and lobby advertising and see in it a real threat to their business. They are now preparing a campaign to go direct to the public to state that the theatre is not the proper place for commercial advertising, and that theatres which accept commercial ads are not operating in the public's interest.

M. P. RELIEF'S OWN BLDG.

Hollywood, Dec. 6. Motion Picture Relief Fund trustees okayed plans for a new building in Hollywood, to be ready Feb. 5. Samuel Goldwyn and John Balderston were named as board members to fill the vacancies of Edward Manix and Oscar Hammerstein, resigned.

Political Timber

Hollywood, Dec. 6.

Charlie McCarthy was the most popular write-in candidate in the recent election in Los Angeles County, according to William M. Kerr, registrar of voters.

Edgar Bergen's dummy led in the added-starter ballot for governor, U. S. senator, lieutenant-governor and state forecaster. Second write-in candidate was Shirley Temple.

N. Y. INDIES TO D. C. ON GOV'T SUIT

Harry Brandt, head of the Independent Theatre Owners of N. Y., summoned to Washington for conference with Assistant U. S. Attorney General Tamm (Tuesday) accompanied by Milton C. Weisman, attorney for the ITOA.

Discussions will center around the Government's monopoly suit accusing major theatre circuits affiliated with important distributors of dominating first-run of pictures. Probable basis for allegations in the suit are said to have resulted from numerous complaints along these lines from independent theatre owners from time to time.

The Brandt Circuit early this year is known to have registered a beef with the Department of Justice that the majors, in the New York territory, had a stranglehold on first-run pictures. There were also intimations that independents might get together and pool their houses into a third 'major' circuit, strong enough to buck Loew's and RKO, but nothing ever came of it.

William Brandt, partner in the Brandt Circuit, yesterday denied that Harry Brandt's conference with Arnold would have anything to do with report that the Government is now questioning the possibility that the indie circuits themselves have become too strong for their competitors in this territory.

Hays Back This Week

Will Hays comes in from the Coast this week to preside at the quarterly directors meeting of the Motion Picture Producers & Distributors association Dec. 14.

Hays went to Hollywood about two weeks ago on a periodical visit. His office in the MPFPA headquarters has been completely renovated for his return.

4A's Board Meets Today (Wed.) To Revise Laws in '1 Big Union' Move

Associated Actors and Artists of America board will meet today (Wednesday) to consider revision of the constitution. Unlikely that any extensive changes will be attempted immediately, but probable that a preliminary groundwork will be sought for working out the problem. Ultimate aim of the constitutional changes is to bring about the 'one big union' idea.

Kenneth Thomson, Screen Actors Guild executive secretary and Four A's vice-president, came east last week to attend the Four A's session as well as to deal with local SAG affairs. He has held several informal huddles with other Four A's heads and is thought to have made some progress toward solution of the constitutional problem. Fact that he is due to plane back to Hollywood (Thursday) or Friday (9) indicates no drastic action will be attempted at once, however.

Rep Regulates Agents

Hollywood, Dec. 6.

Republic locked the door yesterday (Monday) against talent agents and other salesmen who had been enjoying the freedom of the studio. From now on, 10% will be concentrated in three spots: players' agents in the casting director's office; writers' representatives in the scenario office, and directors' handlers in the front office.

U. S. VERSUS B&K AGAIN BOUND OVER

Chicago, Dec. 6.

Attorneys in the Government suit vs. Balaban & Katz and seven major distributors huddled with Federal Judge Woodward last Thursday (1) and came out with a decision to delay hearings on the case until this Thursday (8). This is the second postponement in the case, which got under way Nov. 28. Expected that the case will be continued into the new year before actual hearings and testimony start. With their present assignment on the Allied case, which is now being heard by Federal Judge Wilkerson, the defense attorneys feel that they have a couple of months to prepare a proper answer to the Government's allegations.

Meanwhile the defendants have asked that the Government deliver a full bill of particulars, giving a more detailed listing of the plaintiff's charges. Discussion has also arisen over the question of whether or not the defendants' books shall be impounded and brought into the trial.

N. Y. to L. A.

Tom Bailey.
Jack Bloom.
Mary Boland.
Harry Buxbaum.
Ernest Charles.
William J. Clark.
Mr. and Mrs. Gary Cooper.
Clarence Derwent.
Arthur Dreifuss.
Roger Ferri.
Martin Gabel.
William Gering.
Sidney R. Kent.
William Kupper.
Joe Lee.
Reuben Mamoulian.
Charles E. McCarthy.
Martin Moskowitz.
Edgar Mosse.
J. P. O'Laughlin.
Randolph Scott.
Mr. and Mrs. William A. Selter.
Jack Siegelman.
William Sussman.
Kenneth Thomson.
Armand Tarella.
James Whale.
Lloyd Wright.

ARRIVALS

D'Aguiar Mendonca, Jean Drouant, Jean Gacon de Cavaignac, Mr. and Mrs. Todd Duncan, Mrs. D. C. F. Harding, Mr. and Mrs. Albert D. Lasker (Doris Kenyon), Jack Cohn, Joseph Driscoll, Douglas Williams, Countess Keller (Eleanor Sawyer), Mr. and Mrs. Gary Cooper, Alexander Korda, Douglas Fairbanks, Jr., David Rose, John W. Hicks, Jr., Ernest Pascal, Jessica Tandy, James Whale.

Thomson expects to return east in February.

For the first time since the 'one big union' idea was introduced, heads of the various member groups appear to have reached at least a partial agreement on its desirability. Just how far that agreement might extend is unknown, but nearly all the officials concerned are now believed in favor of the idea of a central office, with joint administrations, joint bookkeeping, a single membership card and a single set of dues. Vastly complicated problem of how the scheme could be worked out is now the fly in the ointment.

Although the mere agreement of the desirability of a single office and combined administrations is the simplest part of the problem, it constitutes a giant step toward culmination of the 'one big union' scheme. When the idea was first broached last year it precipitated the most violent quarrel in Four A's history.

Dr. Lubin's I.Q. on Increased U. S. Family Spending; Effect on B. O.

Friendly Enemies

Chicago, Dec. 6.

Though Allied members here have a Federal suit in progress against Balaban & Katz, John Balaban and members of the B.&K. organization attended the testimonial dinner to Jack Kirsch, head of local Allied, last Friday (2). Jack Miller, toastmaster, openly pointed out the good sportsmanship exhibited by Balaban in coming to the dinner. Morrie Leonard, B.&K. real estate attorney, and Nate Platt, district manager, accompanied Balaban.

Washington, Dec. 6.

Slight redistribution of national wealth would bring millions rolling into film box offices and tills of other recreations ventures, according to analysis of the economic system given the Temporary National Economy Committee last week by the New Deal's ace economist, Dr. Isadore Lubin.

In laying groundwork for the most sweeping examination of the financial and industrial mechanism in several generations, Dr. Lubin warned that standards of living must be boosted if an economy geared to mass production is to continue operations at capacity. In his professional analysis which launched hearings expected to run more than a year, he told of the urgent necessity of increasing purchasing power of families with lowest income in order to afford an outlet for goods and services of the business machine.

American industry, on the basis of present organization and technique, cannot maintain itself from receipts through sales to the part of the population which has an income of more than \$5,000 per household, in Dr. Lubin's opinion. Great problem to be solved by Government, finance, business and industry is how to get more cash into the hands of the 16,000,000 families, 54% of the total, which have less than \$1,250 to spend each year.

Picturing what could be done but not telling how, the Labor Department jury-juggler said that a \$2-a-day rise in the income of 5,200,000 wage-earner families at the bottom of the population pyramid would provide a badly needed outlet for all producers of consumers' goods. These families would have \$234,000,000 to spend for recreation annually, Dr. Lubin estimated.

In discussing the effect of such a redistribution of purchasing power on films, the expert predicted picture exhibitors would experience the beneficial effect of 'a tripling in admissions sold to this class of our population.' Average annual outlay by low-income workers would jump from \$4.14 per family to \$12.62, an increase in ticket sales of approximately \$45,000,000 yearly.

MAJORS ELATED BY INDPLS. VERDICT

Indianapolis, Dec. 6.

Victory for major picture companies in the anti-trust suit brought by the Indianapolis Amusement Co., as result of a jury verdict here, was hailed by larger distributor companies as indicating a shift in sentiment. Case dates back to 1931 and is the first of its kind to be settled by jury trial recently rather than by court decision.

Indianapolis Amus., which operated the Regent and Colonial here, claimed the usual inability to secure product injured their business, the customary allegation about being forced to play inferior product being made.

Plaintiff sought \$266,000 damages and would have recovered triple that amount in district court here if victorious because the action was brought under the anti-trust statutes.

D'Arcy Wins Spurs

Hollywood, Dec. 6.

Harry D'Arcy has been upped to a full directorship of shorts at RKO. He was formerly in the prop department and recently an assistant director. First piloting job is the next Leon Errol two-reeler, starting tomorrow (Wed.).

RKO schedule calls for 11 two-reelers for December, four starting this week. List comprises four Errols, one Roy Whitley musical, one Headliner, two Radio Flashes and three Edgar Kennedy family yarns.

SAILINGS

Dec. 17 (London to New York), Gebay Morlay (Normandie).
Dec. 16 (New York to London), Ray Milland (Queen Mary).
Dec. 16 (New York to London), Clifford C. Fischer (Paris).
Dec. 10 (London to New York), Montague Marks (Queen Mary).
Dec. 10 (New York to London), Solomon Segal, Lesser Samuels (Aquitania).
Dec. 7 (Los Angeles to Honolulu), George Smith (Montezuma).
Dec. 3 (London to New York), Max Milder, Carol Lewis, Russell and Marconi, Sandra Lynde, Al Trahan, Oshins and Lessy (Aquitania).
Dec. 3 (New York to Rio de Janeiro), Kenneth Lane and Edith Carroll (Uruguay).

L. A. to N. Y.

Sam Bischoff.
Diana Bourbon.
Bob Burns.
Theodore Carr.
Ken Dolan.
Jimmy Durante.
Lynn Farnol.
John Garfield.
Johnny Green.
Will H. Hays.
Leland Hayward.
Irene Hervey.
Edna Johnson.
Allan Jones.
Dr. Herbert T. Kalmus.
Myron Kirk.
Jack Leightner.
Norman McLeod.
Brewster Morgan.
James Mulvey.
Ken Murray.
Anna Neagle.
Fred Quimby.
Shirley Ross.
Charlie Ruggles.
George Shelley.
Norma Talmadge.
Harold Tarshis.
Frankie Thomas.
Frankie Thomas, Jr.
W. G. Van Schumum.
Eugene Walter.
Herbert Wilcox.

Other News of Interest to Films

Australian b.o. at depress era depths.....Page 11
French decree seen hurting U. S. distri.....Page 11
Sharp British production drop.....Page 11
20th-Hoys deal in Antipodes.....Page 11
AFRA piqued by admen.....Page 23
Peddling Parsons, Bachner.....Page 25
Television developments.....Page 25
Radio reviews: Bob Hope, 'Refugees Theatre of the Air'.....Page 26
Robbins-Metro's own coin-machine royalties.....Page 37
Lola Lane's new act.....Page 42

THEATRE DIWYS TO UP PAR

Further Crimp in Monopoly

Washington, Dec. 6. The next Congress will take up consideration of a proposal to amend the Clayton Act, in line with the Government's interest in monopoly in interstate commerce. The Federal Trade Commission has completed a survey ordered by the last Congress and, as result of its findings, is urging a change in the law to prevent corporations from buying physical assets of competing organizations.

If such a change in the law occurs, it will be just one more step in the Government's drive against alleged monopolies in film industry and may effectively tend to prevent further acquisition of theatre chains by large circuits, now subsidiaries or affiliates of major distributors. The Government, it is understood, through its U. S. Attorney General's office, is said to have recently requested large distributors not to buy any more theatre properties without advising the Government first of its intention.

FTC's suggested amendment to Clayton law would define the limit at which corporate acquisitions in size and power should be halted in order to prevent monopoly and is designed to make it unlawful for any corporation, directly or indirectly through a holding company or subsidiary, to acquire any of the stock or assets of a competing corporation, when either is engaged in interstate commerce. It would not apply where the company, which is the subject of the takeover, controls less than 10% of the total output of any industry, in which the two corporations are in competition, unless the effect of such acquisition may be to restrain competition or tend to create a monopoly.

EXPECT A BIG FINAL QUARTER

Earnings and Dividends from Paramount's Theatre Subsidiaries Will Send Parent Company Well Over the Top—Declarations Start Next Week

OVER \$1,500,000

Based on expectancy of very substantial dividends from theatre subsidiaries, on which action is being taken before the end of the year, the final fourth quarter of 1938 for Paramount will go well over the top of previous years, and substantially exceed the net for the last quarter of the prior year (1937), it is predicted.

For some time Par has been setting up dividend declaration plans among its many theatre subsidiary companies. The dividends, it is stated, will run over \$1,500,000, with announcement of declarations to probably start officially next week.

Substantially all of the theatre subs will be in a position to declare dividends before Jan. 1. Understand that decision on the dividend and amount planned, has been reached in many cases. While for the whole year of 1938 the earnings of the theatres will not exceed 1937, the final quarter will be very gratifying in comparison since there has not been so much divvying during this year as there was throughout 1937.

The dividends are declared by the various theatre companies themselves. Under the Par. setup, the company has an interest in most of the subsidiaries, ordinarily 50% though more in some cases and less in others. Its participation in dividends declared is, of course, in line with the interest it controls in the various subsidiaries where such action is taken.

Wholly-owned subs include the former Olympia New England group of theatres, the northwesterners (Minnesota Amus. Co.) and Balaban & Katz, which in turn owns Great States, plus lesser units such as upstate New York; Paramount, N. Y.; Newman, Kansas City, etc.

Partners have been in New York meeting on dividend plans of late, while in other cases members of the home office who are on various theatre subsid boards, including Leon Netter, Montague Gowthorpe and Leonard Goldenson, attend meetings in other parts of the country. Netter is leaving next week for Durham, N. C., to attend a board meeting of the North Carolina Theatres subsid (Kinney-Wilby), at which divvy action may be taken. Gowthorpe was in Atlanta the end of last week for similar purposes.

The fourth quarter for Par last year was \$734,000, while earnings for the whole year were \$6,045,103.

Wilcox Ends Coast RKO Confab; Sailing

Hollywood, Dec. 6. Herbert Wilcox wound up a week of confabs with George J. Schaefer at RKO Monday (5) and has returned east to sail for London.

Likely RKO will also release his next Anne Neagle starrer, as it's doing with Wilcox's current '60 Glorious Years'.

rent productions are on location for extended periods. Most important is Cecil B. deMille's 'Union Pacific' open-air troupe, shooting buffalo scenes in Oklahoma.

'The Lady from Kentucky,' is Jensen on the Leighton Ranch near Oceanside, Calif. and 'I'm from Missouri' is working in the San Fernando Valley.

Zukor in N. Y. for Home-Office Par Parleys; May Sail by Xmas

Jimmy's Job

Hollywood, Dec. 6. Coast's chief guessing contest now is what will Sam Goldwyn do with his new v.p., James Roosevelt. Another expresses it thus:

'It's been a great year for Goldwyn. He's had three vice-presidents (Reeves Espey, Jim Mulvey and Jimmy Roosevelt) and one picture, 'Cowboy and the Lady'.'

GN-FINE ARTS STILL UP IN THE AIR

Official status of the Grand National Pictures-Fine Arts Pictures contract isn't set. Complete silence is being maintained by Franklyn Warner, Earle W. Hammons and Lloyd Wright; Grand National trustee, since the joint statement by Hammons and Warner was issued last week.

Wright—who leaves here for Coast on Thursday (8) intimates that a statement may be forthcoming from Hammons by that time but that up to the present he has been too busy with other matters to be able to go into GN situation.

Informed sources close to Grand National reveal that rivalry between Warner and Hammons for supremacy in company affairs led to an offer, accompanied by a certified check from Hammons, to buy off Warner's Fine Arts contract and producing obligation to GN. This offer was later rejected by Warner and the check returned to Hammons.

It is definitely known that contracts calling for liquidation of Fine Arts commitment to GN have not been signed, which would leave the situation as it was originally, with FA continuing to carry out its schedule of 24-36 pictures for Grand National release.

GN Washes Up Claims

Los Angeles, Dec. 6. Claims totaling \$267,421 by First International Pictures, Inc., against Grand National Films, Inc., were compromised out of court to avoid litigation. Settlement gives FI \$5,500 in cash and \$27,500 in GN stock.

FLOCK OF FILMERS DUE IN FROM EUROPE FRI.

Alexander Korda, Douglas Fairbanks, Jr., David Rose, John W. Hicks, Jr., and Gabriel Pascal arrive in New York, Friday (9) from Europe.

Hicks and Rose will talk with Adolph Zukor on British production plans of Paramount, Rose having completed a three-months' survey of the quota situation.

Both Hicks and Rose will probably accompany Zukor when latter sails to take up his post in England later this month.

Pascal is en route to Hollywood to talk with Metro officials on a proposed series of pictures to be made in Hollywood. Korda ditto for UA, as elsewhere detailed in this issue.

ARCHAINBAUD MAY SUB

Hollywood, Dec. 6. George Archainbaud may take over the direction of 'Lady from Kentucky' at Par, during the illness of Al Hall.

Mannix's Illness Shifts More M-G Duties to Lichtman-Cohn-Thau

Hollywood, Dec. 6.

Revised Metro executive production setup shifts added responsibility to Al Lichtman and Joe Cohn, due to the illness of Eddie Mannix, now in the Cedars of Lebanon hospital, and expected to be confined several weeks.

New alignment was decided at a meeting Saturday (3) after phone talks with Nicholas M. Schenck in New York, effective Monday (5), with Lichtman, Cohn and Benny Thau operating as practical heads of production. Louis B. Mayer, of course, functioning in his usual executive capacity.

Sam Katz, is in executive charge of physical operations on the lot, augmenting duties as supervisor of production units.

After his release from the hospital, Mannix is taking two months' rest. He had charge of various production units and the new plan has Lichtman taking over most his duties.

Mayer, also, is sharing Mannix's executive chores with Thau, latter supervising the work of several producers.

Griffis May Become Par Board Chairman At Today's Meeting

Appointment of Stanton L. Griffis to chairmanship of Paramount board of directors is expected to occur before Adolph Zukor, who would relinquish the title, leaves for London after the holidays.

If action isn't taken at today's (Wed.) board meeting, with Zukor in New York to attend, it may come at a special session of the directorate called before Zukor sails for England.

A partner in Hemphill, Noyes & Co., downtown brokerage firm, and a bigwig in Madison Sq. Garden Corp., Griffis has held the post of chairman of the executive committee in Par since joining on the reorganization.

Hulburd Out of Hosp

Philadelphia, Dec. 6.

Merritt Hulburd, who has been prevented by illness from taking over the producer post with Selznick-International to which he was signed in October, is out of the Chestnut Hill hospital and recuperating at home. Members of his family said he would have to rest for several weeks and it will be some time before he is able to train to the Coast.

Hulburd gave up a \$75,000 job with Sam Goldwyn last year to take up his old Saturday Evening Post position at \$15,000. Said Hollywood was too nerve-racking.

Loew Returns Dec. 27

Arthur M. Loew, foreign department chief for Metro, on a South American inspection tour, is due back in New York Dec. 27.

He will be accompanied by his brother, David L. Loew, who is vacationing with him.

PAR AHEAD ON ITS PROMISED PICTURES

With nearly one-third of its total annual product for 1938-39 now completed, but not yet on release, Paramount is farther ahead of release than ever before in its history. As many as 16 pictures are in the can ready to go out as wanted. This places Paramount in the position of having gone past the one-third mark, since 58 pictures are promised on the season. Another seven are presently in production.

The 16 features in the can includes pictures that will not go on release until February. Indications are that the company will have its complete total of 58 pictures on the season finished, if all are to be delivered, well in advance of schedule.

'Better Pix,' Freeman's Analysis

Hollywood, Dec. 6. Financial future of Hollywood depends on better pictures, according to Y. Frank Freeman, new Paramount studio exec, who replaced Adolph Zukor. 'Taste of film audiences has improved,' Freeman declared, 'and only by turning out high-grade pictures has Hollywood been able to stem the recent tide of box office depression. There must be no backward swing.'

'After a number of inferior pictures earlier in the year, Hollywood finally snapped out of it and began to improve the quality of its product. The result was immediately apparent. November was only 5% below the figures for the same month a year ago, and December gives every indication of topping November's figure. I look for the coming year to be a banner one for the box office.'

Freeman and Zukor held a lengthy huddle before the latter left for New York (2) to sail for London shortly to take charge of Paramount's British interests. One-third of Paramount's nine cur-

Arriving in the east in good spirits Monday (5) and huddling most of that day with Barney Balaban, preparatory to discussions with John W. Hicks, Jr., who gets in Friday (9), Adolph Zukor may sail for England prior to Christmas to consider possibilities of film production by Par on that side, plus theatre expansion in Britain and on the Continent. He is also expected to take steps to strengthen sales for Par in the British Isles and throughout Europe.

Whether Zukor goes over without portfolio for Par or assumes a title to govern during his stay on the other side, remains to be determined following Hicks' arrival and conferences in which he, Zukor and others will figure. Following the resignation of John Cecil Graham as managing director of operations in England and on the Continent, Hicks assumed the title on his arrival abroad several weeks ago but assertedly on a temporary basis, for legal reasons mostly. David Rose, production representative in England, also gets in Friday (9).

Hicks, who is v.p. of the parent company in charge of all foreign operations, is expected to remain in New York indefinitely directing activities over the whole world for Par. He is also a member of the board but misses the meeting scheduled for today (Wed.). E. V. Richards, head of the Saenger circuit in the south and the only Par theatre partner on the directorate, is in New York to attend that session and discuss other business with home office executives.

Netter and Israel's Duties Following the transfer of Y. Frank Freeman to the Coast over studio administration and pending appointment of a general manager of theatre operations for Par at the h.o., Leon Netter, who may be named g.m., is taking care of various matters formerly clearing through Freeman, while Arthur Israel, company attorney, is taking numerous details of a general nature off Barney Balaban's hands. For 10 years with Par, Israel has handled various matters of a legal character for the theatre department, as well as dis-

(Continued on page 17)

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INDEX

Bill Halligan.....	6
Bills.....	43
Chatter.....	53
College Rhythm.....	36
Concert.....	51
Dance Bands.....	36-38
Exploitation.....	19
15 Years Ago.....	40
Film Booking Chart.....	21
Film Reviews.....	12-13
Forum.....	57
House Reviews.....	44-45
Inside-Legit.....	48
Inside-Music.....	38
Inside-Pictures.....	13
Inside Radio.....	26
International News.....	11
Joe Lurie.....	6
Legitimate.....	46-50
Literati.....	57
Music.....	36-38
New Act.....	42
News from the Dailies.....	54
Night Clubs.....	39-42
Obituary.....	54
Outdoors.....	55
Pictures.....	2-21
Radio.....	22-35
Radio-International.....	35
Radio Reviews.....	28
Radio Showmanship.....	34
Vaudeville.....	39-42

FIRST DRAFT OF TRADE PRACTICE PROGRAM HANDED 10 EXHIB ORGS.

These Theatre Owner Ass'ns to Act on It, Revise, Amend, Etc.—Divorcement, Theatre Expansion, and Block-Booking Completely Sidestepped

Conspicuous because of the absence of consideration in any manner of (1) divorcement of theatres from production-distribution; (2) restriction of theatre expansion by majors; and (3) elimination of block booking or blind selling; the first draft of a trade practice program is now in the hands of 10 representative exhibitor organizations subject to approval or disapproval, in whole or part, or to further negotiation on disputed features. A total of 16 different points are presented for consideration.

The question now is whether some or all of the 10 exhibitor bodies will approve, and how many will approve of this or that point, what bodies may disapprove and in what respects; which additional features of a self-regulation plan not embraced in the present draft may be insisted upon before final approval, etc. Should all 10 exhibitor bodies getting the first draft approve of it in toto, the question then arises whether other organizations of theatre owners or individual exhibitors affiliated with no national or state group, will be forced to abide by the will of the majority represented. Presumption is that the will of the majority will force the new machinery to be okayed, if ultimately, on any existing minority through a new form of contract to be enforced in line with self-regulation.

In forwarding the initial draft of a trade practice plan and concessions therein to the 10 exhibitor organizations which negotiated with the distributor committee, the latter informed that copies of the draft had been sent to President Roosevelt and the Department of Justice.

See No Quick Action

It is regarded as unlikely that replies from the exhibitor bodies to the first draft will be received at an early date, since each group will want to study the plan carefully and at length as well as submit findings to its full membership. The Motion Picture Theatre Owners of America, with Ed L. Kuykendall due in today (Wed.), will huddle in a preliminary way. Allied States Assn. probably will not reach any decision until January, when it holds its annual convention, it is indicated, while other indie groups may act faster one way or another.

Harry Brandt, president of the Independent Theatre Owners of N. Y. is returning from Washington today (Wed.) to consider scheduling a meeting of his committee to analyze and discuss the trade practices draft. The other indie groups to which the draft was sent are Independent Theatre Owners of Southern California; West Virginia Managers Assn., Motion Picture Theatre Owners of Kentucky; Theatre Owners & Managers of the Rocky Mountain Region, Allied Theatre Owners of Iowa, Allied Theatres of Oregon and Motion Picture Theatre Owners of Virginia.

Rodgers' Statement

Before leaving for Chicago Friday (2), when the initial self-regulation draft was put in the mails, W. F. Rodgers, spokesman for the distributors, sent out a statement indicating that supplemental methods may be devised to handle problems that are of a local character.

He said, in part:

"To cover all subjects considered as national in their scope, it has been necessary to synchronize the thoughts expressed by the different theatre groups and the draft form of memorandum represents only such subjects, it being the belief that another and subsequent method will apply to those topics that are purely local in their application." The committee, in keeping with reluctance to inform the whole trade as to what was transpiring, refused to divulge the trade practices draft sent out. It has also pursued a policy of trying to restrict exhibitor bodies themselves from releasing anything without its (the distributor committee's) knowledge.

Rodgers was due back from Chicago yesterday (Tues.).

Metro's No-Clearance Experiment With New 'Hardy' Pic; Quick Coin

Metro is trying a unique experiment with 'Out West with the Hardys' to determine just how short a time it can rake in top money from a speedy distribution of the film, instead of employing the customary system of protection periods between first-run and subsequent playdates in the Greater N. Y. area where first and second run protection is mostly Loew's.

Latest 'Hardy' opens tomorrow (8) at the Capitol, New York, for two-week run, and immediately following, on Dec. 23, the start of the Xmas holiday week, film is being booked day-and-date into all of the Loew 'A' houses in Greater New York without the usual clearance after the Capitol.

Immediately after that, without another 7-day clearance, picture will be played in the entire Loew Circuit. Again discarding the week's protection after the Loew houses, all independent theatres in this territory will get the picture around the first week in January. Picture would normally come to subsequent runs in February, if the usual protection regulations were enforced.

LOMBARD'S 100G AND % FOR ONE RKO PICT

Hollywood, Dec. 6.

Carole Lombard signed to star in 'Memory of Love' at RKO on a salary and percentage scale. Deal calls for \$100,000 plus \$50,000 after the grosses reach \$1,300,000, plus an additional percentage if it hits over \$1,500,000.

Picture is due to start next spring, with John Cromwell likely to direct.

Cowdin Back From Coast

J. Cheever Cowdin, chairman of the board of Universal, arrives in New York tomorrow (Thursday) after spending a week on the Coast. Cowdin conferred with Nate Blumberg, president of Universal; Cliff Work, studio production head; Matty Fox, assistant to Blumberg, and other production executives on balance of pictures being produced for the '38-39 season.

ABE MEYER JOINS MCA

Hollywood, Dec. 6.

Verne Thrasher bought Abe Meyer's stock shot library, consisting of 3,000,000 feet of sound and action film.

Meyer is joining Music Corp. of America, to take charge of conductors, composers and musicians.

First Year of New U. S. Surtax Law Was No Relief to Picture Cos.

First year of altered Federal surtax on undistributed profits brought no relief to a majority of motion picture companies. It is the same strict surtax as far as the industry as a whole is concerned, because applicable only to businesses showing \$25,000 or less profit for a full 12 months. Thus, the surtax on undistributed profits continues as an additional tax burden on those film companies unwilling to deplete their cash reserves in order to duck this heavy taxation by paying out the full profits in dividends.

Few picture companies today are willing to jeopardize their cash position by paying out all earned profits

Shauer Producing Moreno Series for Latin Trade

Hollywood, Dec. 6.

Victoria Films, Inc., new Spanish language producing outfit headed by Mel Shauer, is making a series of films for South American trade. Rosita Moreno (Mrs. Shauer), Argentine actress, is the star.

First venture, 'Believe in You,' rolled in Grand National style but was delayed by illness of the star. New company is dickering with Paramount for release.

Shauer left Paramount last week after 15 years in distribution, exhibition and production.

His last Par production was 'Thanks For the Memory.' Before he became a producer he was head of the talent department and brought in several promising players.

Estimate 75G Final Quarter Profit for U

Although the company is operating in the black at the present time and should show a neat profit in the first quarter of the new fiscal year, fiscal year for Universal will not be sufficiently large to wipe out the losses of the previous three quarters. That is the latest indication in Wall Street this week with an estimate of \$50,000 to \$75,000 profit in the final three-month period ending the fiscal year, Oct. 29, anticipated. Adjustments for the final quarter and whole year may even cut down this amount.

Universal's loss going into the final quarter for the recently completed fiscal year was around \$600,000. Hence, the street is looking for a net loss of about \$700,000 for 1938 which is approximately \$500,000 better showing than in the preceding fiscal year.

Not only does this make the current situation of U look better but puts it in shape to continue production without additional loans.

Single Bills Will Cure U. S. Ills, Says Briton

Hollywood, Dec. 6.

What America needs is single bills with occasional vaudeville, take it from Alfred S. Kahn, of Charter Film Productions, Ltd., London, here generating American picture methods.

In London alone, Kahn declared, there are 30 big time vaudeville houses. In certain parts of the U. S., he added, there is a demand for one-feature-plus-fresh shows.

just so they won't have to pay this surtax. They need the coin to carry on production, with the amount tied up in film negative always a large total in the business. Consequently, the real payoff is that coin ordinarily in long-term operations would go to stockholders' pockets, cut into by the Federal surtax, adopted by the present administration a couple of years ago. While the claimed purpose of the tax was to force big corporations to push all profits in the form of dividends, so that more money would be kept in circulation, film company officials claim that it prevents storing up any reserve for actual operations or rainy days.

Slow Machinery of the Law

Next procedure in the Government's civil anti-trust suit will be arguments on bill of particulars. Major companies, in asking for bill of particulars, simply want to know, 'Well, what did we do that was a violation; in what particular situation; and in what manner?' Then it will be up to the court to decide whether the Government must supply particulars to the defendant corporations.

In this action, all testimony must be taken in court which means that there doubtlessly will be delay in getting certain witnesses from various parts of the nation. After this, long list of briefs from each defendant must be filed. Then the judge will take several months to arrive at a decision after studying the testimony and briefs.

Then, if there is no consent decree, doubtlessly the losing side will appeal the decision.

The action then goes direct to the U. S. Supreme Court. It will require considerable time to draw up papers if appealed. Then the case is finally set down on the highest court's calendar. After arguments on set date, the court takes the matter under consideration and when it reaches a decision, final result of giant suit will be known.

Points of Trade Reform Draft

1. Cancellation privileges, with certain restrictions, shall be 20% where rental averages up to \$100; 15% from an average of \$100 to \$250, and 10% for rentals average over \$250. Notice of cancellation 10 days after mailing of availability is required, with any dispute over this or other features to be arbitrated. Average rentals shall be determined by the fees paid for the distributor's pictures the prior season in the same runs but shall not include westerns when made in a series or groups; reissues or foreign-made, these to be judged as separate groups. A hypothetical buy where four brackets of terms figure indicates that on a licensing of, say, 48 features, the exhibitor, if cancelling out five pictures, may take two out of the next to lowest bracket but be restricted to one each from the highest, next to highest and lowest or fourth bracket. It is also agreed exhibitors may exclude a picture on moral, religious or racial grounds that are locally offensive on 14 days' notice, but that in event of any dispute on this right, it must be arbitrated.

2. Each distrib agrees to make as complete an announcement of pictures in work or intended for release during the season as possible, though subject to hazards and uncertainties of the business which may prevent completion.

3. Distrib may agree to a lesser number of pictures than offered due to inability of an exhibitor's policy to play the entire number offered, though reserving right to offer its complete output to a competitor.

4. Preferred playing time shall not be designated when film is sold flat or on a percentage when a guarantee is included, but when on straight percentage, designation shall be by mutual agreement.

5. Theatres shall be able to obtain some run of a distrib's product provided theatre is not obsolete, exhib is reputable, etc., with arbitration as final determiner in event of dispute. Distrib main right to select own customer but agree not to license away from an existing account for the sole reason this account buys the product in other situations; any dispute there, also, to be settled by arbitration.

6. No exhib shall be required to buy shorts, newsreels or trailers as condition of getting features.

7. Score charges, if any, on the current (1938-39) product shall be consolidated with film rental when on a flat sale but starting with the 1939-40 season there shall be no score charge on percentage pictures.

8. Distrib will notify exhib of price classification of each picture on rendering notice of availability, except for first runs in the keys.

9. Features shall not be sold to non-theatrical accounts if arbitration determines they constitute unfair competition to a regularly operated theatre. Army posts, Government camps and U. S. Navy are excepted.

10. Each distrib will use its best efforts to simplify its form of licensing agreement.

11. On selective deals, exhibs must exercise such right within 21 days after notice of availability is mailed out.

12. Distrib will not prohibit exhib delivery of a picture if a prior picture on release has not been delivered through latter's failure under agreements where accounts are obligated to play product in order of its release.

13. No distrib shall coerce an exhib into a contract on threat to build or otherwise acquire a theatre for operation in competition to him, but nothing otherwise shall interfere with the right of a producer or distributor to build or acquire theatres in any location.

14. Practice of false boxoffice receipts is condemned and exhibitors agree to try to discourage and eliminate such practice.

15. Principles and factors involved in matters to be determined by arbitration and machinery to carry this out to include clearance and zoning, plus other subjects, is open to further discussion.

16. These provisions to become effective with the 1939-40 product, except where affecting any license agreements now in effect.

NICK CARTER TO TRACK 'EM DOWN FOR METRO

Hollywood, Dec. 6.

Metro has obtained screen rights to the Nick Carter detective yarns in a deal with Street & Smith, publishers.

First of six 'Nick' stories to be produced on the Metro lot has already been adapted for the screen by Martin Mooney under the title, 'Crime Wave.'

Player Boom at WB

Hollywood, Dec. 6.

Warners is setting a December production record for the number of players to be used over a four-week period.

Daily average will run to 62 stars and featured players and 330 bits and extras. Ten pictures are in work.

Major Warner Better

In bed at his Westchester home for a week with a bad cold and sinus trouble, Major Albert Warner is reported improving and in 10 days or so may go to Florida.

He had planned spending the holidays in Miami anyway.

MAY REALIZE \$150,000 FOR REFUGEES IN S. W.

Dallas, Dec. 6.

The southwest drive for funds to aid German refugees expects to raise \$150,000 through donation of tomorrow's (Wed.) receipts in all the Interstate and Texas Consolidated circuit theatres.

Most of the major film distributors, whose films are booked over the circuit today, have contributed their picture rentals free, with the exception of Metro and 20th-Fox.

Paramount Pep Club, Par home office organization, has a drive of its own for European refugees, on non-sectarian lines, proceeds to be split among refugees of all faiths.

Boland's Film Bids

Philadelphia, Dec. 6.

Clay Boland, who with Bick Reichman wrote the past three University of Pennsylvania Mask and Wig scores, left for Hollywood last night (Monday). He was accompanied by George Simon, head of Lincoln Publishing Co., which published the Wig music.

While on the Coast will talk to 20th Century-Fox and RKO on studio songwriting offers.

PERSONAL CONTRACT TABU

M-G Makes It Tougher

Wooing the good will of the dailies as the motion picture industry has been trying to do, the planting of a phoney 'Gone With the Wind' yarn by Metro's press department on the Coast certainly doesn't help the rest of the business.

It was an okay break for Metro's 'Dramatic School,' that being the purpose of the Paulette Goddard hookup, since she's in the Metro film, going out on release this week.

Distributors and Producers of Pix,

Incl. Raw Material Mfrs., All Come

Under Wage-Hr. Act; Newest Ruling

Washington, Dec. 6. Distributors and producers of motion picture films, as well as firms supplying raw materials for the industry, come within the scope of the wage-hour act under latest interpretations by General Counsel Calvin Magruder of the Labor Department's wage-hour division. Most recent statement about the effect of the Fair Labor Standards Act removes any doubt the Federal regulators will expect the bulk of the film business to comply with the requirements.

Supplement to first interpretative bulletin noted that provisions of the statute apply to persons 'engaged in commerce or in the production of goods for commerce.' This phraseology extends to employees of any firm which 'extends or hopes or has reason to believe that the goods or any unsegregated part of them will move in interstate commerce.' Final decision depends, however, upon circumstances as they exist when operations are performed, act not being retroactive.

Argument that film producers used unsuccessfully in attempting to wiggle out of jurisdiction of the National Labor Relations Board had no effect upon the Labor Department lawyer. Concerns may be engaged in producing goods for commerce even though they do not directly ship product over state lines. Magruder said, 'It is immaterial that the producer passes title to the purchaser within the State of production,' and added that manufacturers of 'ingredients' of articles which ultimately move in interstate commerce also are subject to the law. Laboratories also would come within the scope of the act under a ruling that processors of commodities destined for interstate shipment are 'engaged in commerce.'

Possibility that members of trade associations are entitled to benefits of the act was suggested in the advisory opinions. Since many persons working for industrial organizations are occupied in research on behalf of members in other states, the law presumably applies. Congress referred to 'subjects of commerce of any character,' which the wage-hour enforcers consider covers publications, pamphlets, bulletins, and other written material.

Ruling on wholesalers apparently makes film exchanges and distributors' branches subject to the law. Magruder pointed out his first rulings held 'employees who are an essential part of the stream of interstate commerce' are deemed to be 'engaged in commerce.' Even if all sales are made within the state, wholesalers can be subject to Federal regulation when the goods they handle come from beyond the borders.

Chevalier Build For

Jean Sablon at RKO

Hollywood, Dec. 6. RKO has ambitious plans for Jean Sablon, radio singer, who played out the string with 'Hollywood Hotel.' Studio sees in the romantic French singer the makings of another Maurice Chevalier and will fashion a publicity campaign along those lines. Sablon has made French pictures but his appearance in 'The Castles' marks his American debut.

Ritzes' 3 for 20th-Fox

Hollywood, Dec. 6. Ritz Bros. signed a new pact with 20th-Fox, calling for three pictures in 1939.

Currently winding up 'Three Musketeers,' the brothers leave next week for an eastern vaude tour.

CHURCH BEEFS FORCE FILM YANKING

Pittsburgh, Dec. 6.

Picketing by Catholic organizations forced Barry, downtown indie house, to yank 'Willem Hendrik van Loon's picture, 'Fight for Peace' last week after a run of only four days. Film was denounced as Communist propaganda by church groups and came in for bitter editorial attacks in the strong weekly Catholic Observer here.

Efforts were made by Catholic leaders to prevent film from getting started and they also appealed to heads of other religious groups to interfere with Barry management. Theatre, however, opened it as scheduled, after privately screening 'Fight for Peace' for more than 300 civic and church biggies, and was immediately picketed and denounced in pulpits. It was yanked when pressure became so great biz fell away to nothing.

Art Cinema, foreign film spot here, announcing advent of anti-Nazi film, 'Professor Mamlock,' last week was set upon by unidentified individuals who tore heralds down from front and ripped out every mention of Soviet picture in outside lobby.

FORM FAIRBANKS INT'L TO PRODUCE 3 FILMS

Fairbanks International, new producing unit of United Artists, headed by Douglas Fairbanks, Sr., was announced yesterday (Tues.) by nounced yesterday (Tues.) by cable from London. New company will be financed by American capital, British capital, represented by Sir Adrian Baillie and Montague Marks, and Swiss investment interests. Initial capital of Fairbanks International will be \$2,500,000.

Fairbanks will devote himself exclusively to production plans of the new organization. Three pix are planned, first 'The Californian,' which Raoul Walsh may direct. Second will be 'The Tenth Woman' based on life of Lord Byron, in Technicolor, while the third picture will be a remake of 'Three Musketeers,' also in color.

Marks leaves England for N. Y. on Saturday (10) while Fairbanks leaves there three weeks later, to complete organization plans and make arrangements for start on 'Californian.'

GUILD DEMANDS BONA FIDE REPS

Producers, Directors Denied Right to Rep Talent in Licensing Plan — Writers Guild Petition Next on NLRB Docket — Studios Amenable to Wage-Hour Act

EXTRAS 200G MO.

Hollywood, Dec. 6. Code of ethics being drafted by the Screen Actors Guild for franchising agents will outlaw practice of producers, directors and actors signing players under personal contracts.

Only bona fide agents will be licensed, and copies of all contracts between an actor and his representative must be filed with and approved by the SAG. Kenneth Thomson, SAG executive-secretary, said Article 19 of licensing plan would eliminate such policies. Article reads as follows:

'No agent shall be allowed to operate if he, the agency or anyone interested in the agency, is an employer of talent, except in such cases as the Guild shall deem a proper one for which to grant a waiver.'

Work of drawing up agreement between the SAG and Artists Managers Guild for franchise plan has been turned over to Laurence W. Benson, SAG counsel, and Judge Byron C. Hanna, attorney for the AMG. When pact is completed by the attorneys, meetings of the SAG and AMG memberships will be called to approve or amend the code of ethics. Both groups have expressed satisfaction with negotiations and forecast that an amicable agreement will be reached by first of the year.

The Screen Actors Guild has ruled that interviews for publicity purpose will not count as work time under 1938 modification agreement unless a player has already worked eight hours or more on day interview is requested by the producer. Members have been advised that following clause governs interviews:

'Interviews for publicity purposes held at the request of the producer shall not be counted as work-time for any purpose held on any day on which the player is not otherwise working for the producer. Such interviews for publicity purposes held on any day on which the player is otherwise working for the producer shall not be counted as work-time if held after the player's dismissal for the day, unless prior to such dismissal, the player shall have worked eight hours or more, in which case the time actually consumed in such interview shall be work-time for all purposes. Publicity interviews during lunch-time are not work-time for any purposes.' Following explanation is added to ruling:

'Naturally the Screen Actors Guild does not wish to see its members deprived of any beneficial publicity breaks. Publicity interviews, which may include posing for newspaper or magazine photographs, are regarded as work-time only when they are made at the request of the producer on a day when the actor has put in eight hours of hard work on the set.'

Study CPI Petition National Labor Relations Board has assigned William M. Pomerance, ace field examiner, to investigate the petition of the Cinema Players, Inc., asking certification as bargaining representative for extras. If Pomerance finds that evidence warrants action, Dr. Towne Nylander, regional director of the NLRB, will order an informal hearing on the petition to determine if testimony will be taken before an NLRB examiner.

Total earnings of extras during November soared above the \$200,000 (Continued on page 17)

Con. Film Drops Recapitalization Plan; Earnings Expected to Wipe Out Bank Loan; Am. Record's 700G

Selznick-RKO Again?

Hollywood, Dec. 6. David O. Selznick has been conferring with George J. Schaefer on a possible releasing deal with RKO after the producer's 'Gone with Wind.' Believed, however, Selznick will continue with United Artists.

In New York, the Selznick-RKO talk has been off 'n' on again several times.

Consolidated Film Industries, Inc., has abandoned all plans of a recapitalization of the company and expects to show a strong financial statement at the end of the fiscal year. Sales of its subsidiary American Record Corp. to Columbia Broadcasting for a reported price of \$700,000 may be consummated before the end of the year. American Record embraces the Brunswick, Vocalion and Columbia labels.

Consolidated's bank loans have been reduced this year from \$1,500,000 to \$400,000 and this amount company also expects to pay off before the year ends. Three dividends of 25c. per share each on preferred stock, of which 400,000 shares are outstanding, have been paid so far this year, and another 25c. dividend will be payable on Dec. 10. There is also anticipation in financial circles that with the expected improvement in cash position of the company, present total arrearage of \$6.50 per share on preferred may also be reduced.

Printing Business

Company's film printing business has shown a steady improvement throughout the year and, in addition to handling printing of United Artists, Universal, Republic and 50% of RKO pictures, contracts may shortly be closed for the printing of four producers, among whom may be Walter Wanger and Harry Sherman. Ralph I. Poucher, v. p. of Consolidated, is now on Coast with Herbert J. Yates and is handling the negotiations.

Earnings of Consolidated for the first nine months this year totaled \$336,205, and total for the year may hit the \$750,000 mark, if not more. Republic Pictures, a Consolidated subsid, is expected to show a healthy profit this year. Estimates are that Republic's gross business for this year will run around \$9,000,000, compared to approximately \$6,000,000 the year previous.

As an example, one of its current pictures, '10th Avenue Kid' (Bruce Cabot) may gross about \$150,000 on a production cost of approximately \$40,000. This year, Republic will obtain a greater share of gross business than heretofore, due to plan worked out with the franchise-holders of the company by Yates.

Franchise holders previously had deals with Republic calling for retention of from 25-40% of gross receipts in their respective territories. This year, most of them have agreed to retain a small percentage of returns, just enough to cover their operating and selling overhead, until such time as yearly returns are in and figured up, after which their split of the profits would average about 25% of business done by each respective franchise distributor.

BOBBY BREEN HEADS ST. LOUIS XMAS SHOW

St. Louis, Dec. 6. Bobby Breen heads an all-star revue, inked for the recently formed Theatregoers, Inc., for 16 performances in the opera house of the Municipal Auditorium. Unit opens with a matinee Xmas day and continues on a two-a-day basis up to and including New Year's Day. Donald Novis is also in the group.

Larry Atkins, pro boxing promoter, is one of the incorporators of Theatregoers, Inc.

Sheridan in 'Dawn'

Hollywood, Dec. 6. Ann Sheridan, currently working in two pictures at Warners, gets the femme lead in the James Cagney-John Garfield co-starrer, 'Each Dawn I Die.'

Shooting starts as soon as Cagney finishes 'Oklahoma Kid.'

BATTLE STILL ON IN PATHE'S REORG PLAN

Prospect of minority stockholders of Pathe Film Corp., obtaining a court order to prevent directors from holding a general meeting of stockholders scheduled for Dec. 13 at which time dissolution of the corporation will be voted on, seemed slim after attorneys for the plaintiff argued their case before N. Y. Supreme Court Justice Philip J. McCook on Monday (5) in asking for an injunction. The action is being brought by 16 stockholders, controlling 2,244 shares of common stock. They seek to stop the defendants, all directors of the corporation and the corporation itself from carrying out a plan for dissolution which the directors voted at a meeting on Nov. 19. The plan also calls for the turning over of the corporation's assets to a new company in return for \$340,000 in debentures in the new organization. The plaintiffs claim this exchange would be unfair to them and only profitable to the defendants.

After hearing arguments Justice McCook indicated he thought the stockholders should decide by vote whether the plan should be carried out. However, he allowed the plaintiffs to submit additional briefs and is expected to hand down a decision in a few days.

Wilmington Suit

Wilmington, Del., Dec. 6. E. I. duPont de Nemours & Co. filed suit in U. S. District Court against Pathe Film Corp., asking an injunction against a liquidation plan mailed to Pathe stockholders, Nov. 22. Pathe plan provides for distribution of 3,500 shares of stock in DuPont Film Mfg. Corp. The parent DuPont Co., only other stockholder in DuPont Film, charges the distribution would violate a contract with Pathe.

This contract, the bill charges, has existed since the inception of DuPont Film in 1924 and binds both parties not to sell or dispose of their interest in DuPont Manufacturing without first giving the other the right to acquire the shares upon the same terms.

Special stockholders' meeting of Pathe Film Corp. called for Dec. 13 to consider the plan.

Barthelmess' Comeback

Hollywood, Dec. 6. Richard Barthelmess is returning to pictures after a four-year absence. Signed for Columbia's 'Plane No. 4.'

Metro's Big Call

Hollywood, Dec. 6. Metro Monday (5) posted calls for 54 stars and featured players. Studio has 10 pictures in work.

Loew-Metro Execs' 31%

(Continued from page 1)

preme Court before Justice Louis A. Valente. The other sessions were taken up with the reading of depositions taken in Hollywood last week by several of the defendants. Reiss testified that in 1934 the six defendants actually got more than the stockholders... For that year the profits of the corporation amounted to \$3,846,000, of which the defendants got \$1,579,000 and the common stockholders \$1,096,944.

Detail Profits

For Years 1935-7

In 1935, out of profits of \$7,626,000, the six received \$2,133,000 and stockholders \$3,316,737; 1936, \$10,583,000 profits, of which \$2,819,000 went to the defendants and \$3,353,000 to stockholders. Profits for 1937 amounted to \$14,333,000, of which \$6,288,000 was split by the sextet and the stockholders received \$13,444,000, which had to be made up in part by the reserve funds of the corporation.

In answer to these figures, counsel for the defendants expounded that the defendants were 'worth all they received' because it was due 'entirely to their efforts, ability and genius' that the profits of the corporation were so enormous.

Reiss, over the continued protests of former Judge Joseph N. Proskauer, told the defendants went into great detail concerning the finances of the corporation during the past four years. The witness testified that the average dividends on preferred stock was \$880,000. This amount was not deducted from the 20% bonuses paid to the six favored officials. Emil K. Ellis is attorney for the plaintiffs. It was also brought out that Rubin, as counsel, received an additional \$1,000 a week salary for advising Metro, besides the same amount as counsel for Loew's. This was voted him in 1927 and is continuing to the present.

Loew's Lost \$1,406,507

In 13 Ohio Theatres

The first hint of mismanagement charged by the plaintiffs came out when it was testified that Loew's lost \$1,406,507 invested in 13 Ohio theatres. This loss was deducted from the stockholders.

The trial is expected to continue at least two weeks longer. Up until yesterday (Tuesday) the hearings were taken up by the reading of depositions taken last summer on the Coast. These included those of Mayer, Bernstein, Rubin and Isidor Frey, attorney for the corporation since 1919. After the latter's testimony was put into the record, the reading of depositions for the plaintiffs was the accountant.

Practically the entire day (Monday) was occupied by introduction of about 36 exhibits relating to contracts, options and other matters between corporation and defendants during past 11 years. Late in the afternoon Emil K. Ellis read the parts of L. B. Mayer's deposition in which the latter testified that he rarely read contracts given him to sign by Rubin.

Mayer's deposition also described a dispute he had with Thalberg when Thalberg threatened to quit Metro unless he secured more money. According to Mayer's deposition, Schenck took part in controversy and accused Thalberg of trying to 'ruin the firm'. Thalberg, Mayer declared, gave Schenck 'a terrible tongue lashing'. Later threatened to sue. Finally the matter was submitted to the board and stock options were the result.

Mayer Tells About

Trio's Stock Options

Mayer stated that under the new contract he, Thalberg and Rubin were given certain options to purchase stock in the company. The revisions, he said, were brought about following a meeting on the Coast between Nicholas M. Schenck, president, Thalberg and himself. It was a stormy session, the testimony reveals, with Thalberg insisting on the revisions under threat of resigning from the company and retiring from the heavy load of production responsibilities which he carried at that time.

Schenck declared he was not in any personal position to promise any revision of the contract, that as president of the concern he had certain legal obligations he was obliged to maintain, and the meeting ended with the two principals,

Thalberg and Schenck, at an impasse, Mayer testified.

Later various officers and friends sought to heal the breach between Thalberg and Schenck, including the latter's brother, Joseph M. Schenck. Finally a new agreement, satisfactory to Thalberg, was drafted by Edwin L. Loeb, and contained the stock purchase clauses.

Mayer testified further to the fact that on Oct. 26, 1933, the contract was amended as to a definition of specific duties for Thalberg, who was to give personal supervision over a small group of productions instead of over general studio activities. This led, Mayer stated in his deposition, to differences between himself and Thalberg over administrative matters. These disputes subsequently were compromised under an agreement that, in case they ever reached an impasse, final decision in any dispute would be left with Nicholas M. Schenck.

The depositions are being read off by Emil K. Ellis, chief counsel for the plaintiffs putting the interrogations, while former Justice Proskauer, head of defense counsel, from the witness stand reads the answers. The second deposition placed in record was that of Rubin, vice president, director and general counsel of Loew's.

The only executive defendants present at the trial thus far have been Nick Schenck and Dave Bernstein.

Rubin Testifies

He Was Satisfied

Rubin's testimony on the Coast indicated he was always perfectly satisfied with his connection with the corporation and had never thought of leaving it, he had the late Irving Thalberg, who had threatened to quit because taxes were eating up the income he was receiving. 'Thalberg's squawk resulted in a new contract and bonus of 100,000 shares of stock and a lucrative agreement involving \$800,000 for the benefit of his wife, Norma Shearer, to make a certain number of pictures, which it is claimed she never did. Miss Shearer, according to Proskauer earlier in the trial, threatened to quit and with Paramount unless she or her husband's estate, which she subsequently inherited obtained a new arrangement.

Rubin held about 5,000 shares of stock valued at \$100,000. When the question of stock options came up among the defendant officers, Rubin consented to Thalberg receiving the bonus of 100,000 shares because he, Rubin, realized Thalberg's value to the company. When Thalberg died, Rubin's deposition said, the Rubin-Meyer-Thalberg closed combination automatically dissolved.

Another deposition read into the record was that of Nick Schenck, president of Loew's, who said that Mayer considered Thalberg 'one of the best young men in the business and would develop tremendously.' Schenck said that Thalberg always seemed to be dissatisfied with the income he was getting.

Schenck Wants To

Know About Money

Thalberg continually expressed amazement at the attitude of the others when he demanded more money. Schenck said at one time he asked Thalberg, 'What in hell do you do with all that money?' At the time Thalberg was receiving salary and bonuses amounting to over \$400,000 annually, Schenck said that he holds about 5,000 shares of Loew stock and up to the time he testified had not exercised his option to pick up 48,000 set aside for him from the Thalberg estate.

Bernstein's deposition followed that of Schenck. He is another vice-president, treasurer and director. He said that Schenck had told him that proper results were not being obtained on the Coast and Schenck attributed this fact to Thalberg's dissatisfaction. The condition was settled by the removal of Thalberg from complete charge of production, giving him only special films to supervise, with Mayer taking direct charge. At this time Thalberg was very ill. It was at this time 1932, that Thalberg was granted the options on 100,000 shares to be picked up over a six-year period. Judge Frey's deposition was the last one to be read and contained little of interest. The plaintiff's accountant was then placed on the stand.

'Actors, Don't Eat'

By BILL HALLIGAN

The lousing herd winds slowly o'er the last.
To feed the likes of guys like you and me.

The crack about actors never eating probably emanated from the brain of some nitwit author who couldn't beat the gate at the rehearsal hall to spoil his own play. Most of them think that chateaubriand is a cottage in Flanders.

As a matter of fact actors have done more to make chop houses famous than any other group of men I know.

Don't want to put myself away as a trencherman but you can bet all the plush-drops in Cain's storehouse that I didn't get these five stomachs passing slugs in the automat.

When I say actors, I mean all of show business; that is, all except the chorus line. When Her Royal Highness of the ensemble has to pay for her own fodder she picks a stool in the corner drug store and goes for a ptomaine sundae. Later that same evening at the Stork-club the chop better not be a bit undone or she will blow the roof off. That's when Mr. John is going for the checkbook, of course. However, this tale has nothing to do with the ladies of the ensemble. It's a piece about actors who deserted the 'fabulous invalid' when he had two strikes on him and opened up their own little bistrot with George Rector's cookbook in one hand and a prayer in the other.

Been in all the shebeens from Bangor to Bellingham, so show me a hot grocery store where the actors hang out and you've got the best eating place in town.

Gallagher's on 52d street has the SRO sign up every night and Ed Gallagher's ex-missus can take all the bows on that one. When vaudeville sent for the oxygen tent three White Rats from the three-day put their hard-earned dough into a spot called the Steuben Tavern and today there is one on every corner that Nedick overlooked.

Morton Downey is interested in 'Ike's' chophouse on East 48th, and doing nicely, thank you. Jimmy Dwyer's Sawdust Trail, two doors down from The Lambs, is run by a former straightman, and Hamburger Mary's got its name from a gal who could croon an Irish lullaby with the best of them.

Wouldn't say that Frank Case was an actor but anyone he wants to quit the Algonquin for the mike I know where a sponsor is waiting. Get his new book, 'Tales of a Wayward Inn,' by the way—it's a literary 'Hellzapoppin'.

Outside of Bridgeport on the Boston Post Road the two-day turn of Plicer and Douglas have an oatmeal oasis that is turning them away and coming back. It's a place Patrick Irving O'Hay is doing all right with a chili caravansary in Taos, New Mex.

And in Hollywood

Hollywood's two new crack eateries are owned and operated by Dave Chasen, the protégé of Joe Cook, the skillet wizard, and Bob Murphy, whose specialty is Irish turkey, the good old C.B. and C. The famous Brown Derby chain was started by Gloria Swanson's ex-husband with a little financial aid from Wilson Mizner, Carl Harbaugh and Winnie Sheehan, all members of the Masquers Club in good standing.

Sammy Lewis is the coin behind Maxie Rosenbloom's cinematic night-life, and the first real spot in the movie picture colony, Henry's, was opened by a lad named Henry Bergman, Charlie Chaplin's straightman. I even know an opera singer who opened a delicatessen store—from 'Salome' to salami in one season. (Wait for the laugh.)

Val Harris runs a bodega in Los Angeles and Lester Allen was once a landed proprietor of a Japanese tearoom. The late Billy La Hiff, Nancy Carroll and the famed many a flop along the Great Trite Way with the dough he garnered from hungry Lambs and Friars at his Tavern, still a 48th street landmark to his genius, now sired by Two-Ton Toots Shor. Thirty years ago Brown's Chop House, on Broadway next to the Empire theatre, was a famous theatrical hangout. The only one I ever knew that was strictly 'stage' The College Inn, Chicago, got its fame from show business, and we'll give you one guess what made Reuben's and Lindy's.

The mugg who coined the phrase 'actors don't eat' must have been thinking about himself.

Thalberg-Shearer Terms

An amendment to the complaint in the action of certain stockholders against Loew's, Inc., and some of its executives was filed Monday (5) by Emil K. Ellis, attorney for the plaintiffs. The amendment reads:

'That on or about the 14th day of July, 1937, defendant Loew's, Inc., entered into a contract with defendants Edwin J. Loeb, Bank of America National Trust & Savings Association and Norma Shearer Thalberg, as co-executors and co-trustees under the Last Will and Testament of Irving G. Thalberg, deceased, which purported to compromise and settle a claim asserted by the said estate against defendant corporation and the defendants Mayer and Rubin individually, and/or as partners pursuant to which contract defendant corporation has paid or credited to the said estate and will credit and pay for a period of time ending on Dec. 31, 1938, sums in excess of \$900,000. Simultaneously with the execution of the said contract, defendant Loew's, Inc., entered into a contract with defendant Norma Shearer Thalberg, purporting to employ her as an artist to appear in six motion picture productions for defendant corporation at \$150,000 per picture, payable whether or not such pictures are actually produced by defendant corporation.

'Upon information and belief, the payments made under the said contract between defendant corporation and the said estate of Irving G. Thalberg, deceased, were made without any consideration to the defendant corporation whatsoever and in settlement of claims asserted by the said estate against the individual defendants Mayer and Rubin, and/or said payments were made in order to obtain and in consideration of the rendition of services by the defendant Norma Shearer Thalberg for the defendant corporation under the said contract with her. The said contract with the estate of Irving G. Thalberg also resulted in an increase of the percentage of the profits of defendant corporation then being paid to defendant Mayer, to-wit, from 7.5% to 10.5% (out of 20% then being paid to the partnership of Rubin, Mayer and Thalberg) from the period commencing Aug. 31, 1936, to Dec. 31, 1938.

'Plaintiffs beg leave to refer to the said contracts for other provision thereof, but herein specifically allege that the provisions made for the payment of a percentage of the net profit of defendant corporation to the Estate of Irving G. Thalberg and the payment of a percentage of the net profit derived from the distribution of motion pictures more than half completed prior to Dec. 31, 1938, as well as other provisions thereof, were improvident, improper, unlawful, and a waste and spoilation of the assets of the defendant corporation.'

S. Claus Lane Makes H'wood a Fake Fairyland to Lefty—In Many Ways

By Joe Laurie, Jr.

Hollywood, Dec. 6.

Dear Joe:

Well, here we are still in Fake Fairyland, where the hot sun melts the Christmas tree candles on the paper mache trees and the radio gag men make their prayers to 'Jansen's Encyclopedia of Wit and Humor.' The town looks like an electric chair with scenery. They got Santa Claus driving up Hollywood Boulevard every night in a big sleigh. Aggie sez they'll have the poor old guy all tired out by Christmas. The policemen and firemen are making a drive for 40,000 used toys and I hear that one Hollywood Lothario donated three blondes and two brunets.

It's a strange town with strange ways. People who have never been in pictures or radio wear dark glasses even at night. When you take a walk, you feel like you're going to a circus.

A contract is your calling card. In the Brown Derby they have booths and when a gang sits down to exercise their stomachs and tonsils and they see a guy coming towards them that they figure don't belong, they give it the 'spread formation' which makes no room for the guy. Of course if he happens to be a right guy then they huddle close and make room for him near the check. There are plenty of right guys here and smart guys, too. They can fix up the picture and radio business in a week if they would let them. All you gotta do is to listen to them for a few minutes and you know they'd put the country on the 77b routine in a week.

Hollywood and Vine is where you meet the old troupers. They punch the bag and cut up touches about the old days; the days that are here, and the days that are to come. You can't stick a trouper's hope in storage. They're looking forward now to Television, they figure that's the thing that's gonna furnish their ticket back east or get them a swimmin' pool out here. They got Television now where it only can reach 50 miles; the jumps will be small anyway.

The Old Nifties

You hear a lot of gags around, but they haven't topped the old ones like when Lew Brown saw a well known actor buying some stuff in a store and said, 'Don't buy anything you can't put on the Chief.' And the classic that Al Boasberg pulled about pictures: 'A picture is previewed out here and everybody raves about it—studio officials, press and public. Then they put it in a can and ship it back to New York. And when it opens there it turns out to be a cluckero picture; it seems that something happens to it on the train going east.'

The other night Frisco asked a bunch of boys how they liked a picture that he was in. And they said, 'It's okay, Joe, but you were in the background, you should have insisted on some closeups of yourself.' 'Oh, no closeups for me,' stuttered Joe, 'I'm on the lam.'

And the time when Frisco told Volinsky that he was through acting at Warner Bros., that they were gonna hire him as a gag man. And Volinsky said, 'They can't make two mistakes.' And so you see the sun hasn't dried out their sense of humor.

Junior has been dragging me, and Aggie around all the stores picking out all the toys he wants. They really got some swell stores here and I gotta write myself a 10-minute routine for Christmas to explain to the kid why the stuff he picked out wasn't delivered. I gotta stick in town here for another week at least because I'm looking for second-hand equipment for my radio station—but it's hard to get. You'd imagine with the stuff they're using on the radio it would wear out the equipment in no time.

Vic and Florence whom I left in charge at Coolacres write me that things are okay; they're getting a consistent output of reliable bad pictures.

Give our best regards to the boys and girls back there and tell 'em to buy stockings a few sizes larger—you know Christmas is coming. SEZ Your Pal,

Lefty.

P. S.—Louie Cohen sez, 'Every dream has its alarm clock.'

N. Y. TO CURB GIVEAWAYS

Technicality on RKO Assents Again Defers Reorg Decision 'Til Dec. 16

Confirmation of the RKO plan of reorganization at Federal Court hearing last Friday (2), before Judge William Bondy was postponed until Dec. 16 at request of Col. Rickaby, who told the court that while he did not believe that the objections made at the last hearing by John Stover, counsel for Ernest W. Stirn of Milwaukee, holder of 1,234 shares of Class 'A' (unconverted) stock, could stand water, nevertheless he was taking it upon himself to make a motion to vacate the order of June 28, 1934, in which consents to the reorganization plan must be presented physically.

This order provides that each stockholder must sign his assent to the plan personally, instead of allowing any reorganization committee or banking group to act as proxy, and means that Atlas Investment Corp., large RKO stockholders, which has been active in reorganization and which always contended that physical assent was not necessary, must now go out and get individual signatures, unless Judge Bondy vacates his original order.

Bondy agreed with Rickaby and declared that before he could consider the fairness or equity of the plan, he must have the consents filed according to the law. "This thing should be technically correct. It is desirable to bring this proceeding to a close by the end of the year," he stated.

Members of proponents' group indicated that they feared other technicalities may arise to further delay a decision and on Friday (2), for the first time, refused to predict that the plan would be okayed.

Physical Assents

Latest postponement of confirmation is due to the allegations of Stover, who contends that apparently Atlas now finds that he is correct in that physical consents must be filed before the new stock, to be floated, can be approved, or Atlas be considered as a proponent. Hence the need for Judge Bondy to first dispose of Stover's objections at the next hearing by modifying the original order, leaving out the paragraph dealing with physical proof of stock ownership, which Atlas had failed to present.

Stover also contends that in order to file consent, it is necessary to file claims, and this Atlas has also failed to do. He likewise intends to prove that his client is the only stockholder who filed a claim and the only one who is entitled to consideration.

Under 77b, it is understood that those who do not file claims within three months after the appointment of a receiver (June 28, 1934) are not entitled to any consideration in reorganization unless they are allowed to file their claims nunc pro tunc by a judge.

Inasmuch as Atlas has never filed a claim, Stover contends that Judge Bondy has no right to allow them to present any claims now, two years after plan of reorganization was filed. Judge Bondy will have to dispose of this matter at the next hearing, when Stover will also submit evidence of alleged fraud in the proxies offered at the extraordinary stockholder's meeting of Dec., 1931, when all Class 'A' stock was converted into the present common stock.

Fourth Pic Back For Extra Footage at 20th

Hollywood, Dec. 6.
"The Girl from Brooklyn" was ordered back into production by Darryl Zanuck at 20th-Fox at a cost of \$70,000 for new footage. Picture co-stars Warner Baxter and Loretta Young.
Feature is the fourth returned for added scenes in the last month. Others are "Three Musketeers," "Tailspin" and "The Little Princess."

Joy Hodges, Auer P.A.s

Joy Hodges will open a p.a. tour at the Tower theatre, Kansas City, Dec. 30, booked by Charles Allen, office for Feldman-Blum on the Coast.

Allen has also notified Mischa Auer that dates are available in the east and is waiting a reply.

Laughton-Pommer May Split Mayflower Co.; Star Back to Metro

London, Dec. 6.
'Jamaica Inn' may be the last film to be made by Charles Laughton and Erich Pommer, under their Mayflower Picture Corp., formed some two years ago and partly financed by John Maxwell.

Understood Laughton returns to U. S. to star in 'Captain Bligh,' sequel to 'Mutiny on the Bounty.' Laughton also dickering with Metro on a three-picture deal to be made in London.

UA Posts Its \$278,209 Bond in Hart Appeal

William S. Hart verdict against United Artists in the actor-producer's suit over distribution of 'Tumbleweeds' will be appealed by defendants.

Surety bond in the full amount of the judgment, \$278,209.99, was posted yesterday (Tues.) with the N. Y. Supreme Court by UA's attorneys, O'Brien, Driscoll & Raftery.

COST \$3,000,000 A YEAR IN N.Y.C.

License Commissioner to Umpire Restrictions of Banko and Gift Evils—Greater New York Exhibitors Meeting to Quash It

OTHER SLANTS

A special meeting of all N.Y. City theatre owners has been called for tomorrow (Thursday) at the Astor hotel by Harry Brandt, at the suggestion of License Commissioner Paul Moss for the purpose of deciding what to do about the problem of giveaways.

Real progress toward solution of the 'evil' is counted on this time, after many discussions, but no action, in the past year or two. In the Bronx, such theatre owners as L. S. Bolognino, S. D. Cocalis, Harry Brandt, Moe Rosenberg, Sam Strassberg, Loew's and RKO are reported to have gotten together for the purpose of eliminating giveaways in their theatres and will attempt to get Commissioner Moss to agree to act as impartial umpire to regulate their agreement.

Business conditions are reported so bad that most theatres have been giving away more than their profits. If the agreement in the Bronx works out, an attempt will then be made to spread movement throughout entire city.

There are approximately 600 theatres in N. Y. and one exhibitor estimates that in this territory there has been distributed to film patrons between \$3,000,000 and \$4,000,000 a year.

(Continued on page 19)

6th Ave. El Razing Long Expected To Boost Sector as Amus. Centre

Hope Passes Up Revue

Hollywood, Dec. 6.
Bob Hope has passed up an offer to star in the next 'Music Box Revue,' to be staged in February on Broadway by Sam Harris and Irving Berlin.
Picture and radio commitments keep Hope in Hollywood.

Fabian All Set To Take Over Par-Land 8 S. I. Houses, Ex-Brill

Agreement has been reached on the deal under which the Fabian circuit acquires the old Sol Brill chain on State Island, known in recent years as Par-Land Theatres, and attorneys for both sides started drawing up the papers a few days ago. Confirming agreement on the deal, Si Fabian declares that about all which remains to close it is the signing as soon as the proper papers of transfer are ready.

Fabian, who has expanded importantly of late years, takes complete control of State Island through the Brill houses. One of these is the Paramount, Stapleton, which is pooled in the Par-Land circuit. Following acquisition of the latter, Paramount will discuss the continuance of the arrangements under which its Stapleton house, one of the finest on the island, is a part of the Par-Land organization.

Not mentioning the amount involved, Fabian states that his deal is a purchase and includes 100% control of the Par-Land circuit itself, numbering eight houses, plus most of the real estate involved and the leases.

Removal of the elevated tracks from Sixth Avenue, New York, is expected to boost that area as a show business center. Some effect is anticipated almost at once, but an even greater stimulus will probably be felt in about two years, with the opening of the new subway, a spur of the Independent system.

Thought likely that growth of the thoroughfare as a theatrical district will be concentrated in the vicinity of Rockefeller Center. Radio City Music Hall, largest film house in New York, is already there, with the Center, huge theatre for legit musicals and spectacles. In addition, the various buildings of the Rockefeller group are attracting a steadily increasing number of theatrical firms. There has also been talk lately that Columbia Broadcasting System, at present housing several blocks away in Madison avenue, may ultimately take quarters in Rockefeller Center, where NBC is already located. Ditto MBS.

Despite frequent predictions to the contrary, it is unlikely that any number of legit houses will be built in Sixth avenue proper. Anticipated rise in real values along the street will probably prevent. However, it is considered possible that some legit theatres may be built in the side streets off Sixth avenue in the ensuing few years. Any such development will hardly take place at once, since there is already an oversupply of available theatres.

In addition to the film and legit angles involved in the changing picture, there is the matter of niteries, many of which are concentrated in a small area in 52d street, just off Sixth avenue. Figured likely that particular block will ultimately get an even greater number of cafes, while it is also probable that the zone will spread into the adjacent streets.

Geographical Center

Although Sixth avenue is the geographical center of midtown Manhattan, it is half a century or more behind its neighboring thoroughfares in realty and building development. Majority of the edifices from 53d street southward are from 50-60 years old. In recent years their rundown condition has prevented them from earning even enough to pay taxes, so it is figured essential that all such structures be torn down and modern buildings erected in their place. Large-scale construction boom such as that would make Sixth avenue the most modern thoroughfare in New York City, since no other street has lately undergone a complete transformation.

Evidence of the change which removal of the elevated tracks will bring is seen in the northern tip of Sixth avenue, beyond 53d street. Raised tracks were removed from that section to 59th street in 1924 and the character of the street has changed drastically as a result. Sharp upswing in realty values all along the street is seen as inevitable.

New subway, which will be part of the Independent system under City operation, is scheduled to begin service in the fall of 1940. It will connect directly with the Eighth avenue.

(Continued on page 19)

THIRD OF A CENTURY ANNIVERSARY NUMBER



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'NAME' VOICE DUBS FOR FLEISCHER'S CARTOON

Lanny Ross, currently on the Lucky Strike Hit Parade, and Jessica Dragonette have been signed to supply the voices for the Prince and Princess in the Max Fleischer feature-length cartoon, 'Gulliver's Travels,' for Paramount.
First time any 'names' have been signatored to dub voices for a cartoon.

Mayo-Col. Part

Hollywood, Dec. 6.
Bobby Mayo, Columbia casting director for three years, turned in his resignation, effective Dec. 31.
Successor has no. been named.

'Angels' H. O.-Boles \$32,000, Top Chi; 'Secrets'-Lola Lane \$19,000, 'Cowboy' Fine \$16,000, 'Stablemates' OK 15G

Chicago, Dec. 6. James Cagney and Pat O'Brien combo in 'Angels with Dirty Faces' topped everything in town last week and for that reason are holding over currently at the big Chicago for another healthy gross. State show is shifted with John Boles brought in to headline. Personal is adding considerable strength to the h.o., particularly for the heightened femme strength.

On the other side of the fence is the Palace, where business is again on the wilt. 'Boys Town' unit on the stage is gathering the same crowd and older crowd, but doesn't seem to carry much weight with the young hand-holders. However, the pic 'Man to Reckon' is drawing rave notices in the papers and will build the b.o. toward end of the week.

After two weeks in the United Artists 'Great Waltz' moved over to the Apollo for additional looping, being replaced in the UA by 'Cowboy and the Lady' on Saturday (3). 'Men with Wings' continues at the Gark for a third week in the loop.

Oriental is perking. Lola Lane on the stage accounting for some coin with 'Secrets of Ang' also is aiding the general heightened tempo.

Estimates for This Week
Apollo (B&K) (1,200; 25-55-65-75) —'Great Waltz' (M-G). Moved here from United Artists and took \$19,000. Good. Last week 'Around Corner' (20th) fair \$5,000.

Chicago (B&K) (4,000; 25-55-75) —'Angels' (WB) (2d wk.) and stage show. John Boles on stage helping second session of the picture, which has come through as a real box-office item. Turning in a bang-up \$32,000 following a powerful \$35,500 last week.

Garfield (B&K) (900; 25-55-65-75) —'Men with Wings' (Par). Making it the third week in the loop, and will garner okay \$4,500 after surprising \$5,900 last week.

Oriental (Jones) (3,200; 25-30-35-40) —'Secrets of Ang' (WB) and 'Vaud'. Lola Lane on stage as b.o. stimulator. Hitting the loop currently to better than \$19,000, fine. Last week 'Road to Reno' (U) was good enough at \$16,700.
Palmer (RKO) (2,500; 25-55-65-75) —'Man Remember' (RKO) and 'Boys Town' unit on stage. Picture getting excellent reviews and may be later in session. Indications not auspicious, however, and not more than \$14,000 sighted. Last week Diz Dean p.a. was another nose-dive item, and with 'Hard to Get' (WB) slumped the gross to sad \$11,900.

Roosevelt (B&K) (1,500; 25-55-65-75) —'Stablemates' (M-G). Will launch through with a zippy \$15,000 for the first session, which title is keeping some of the femmes away. Last week 'Submarine Patrol' (20th) faded in second week to go-so \$7,800.
United Artists (B&K) (2,500; 25-55-65-75) —'Cowboy and Lady' (UA). Opened Saturday (3); looks for fine \$16,000 on its initial galing. Last week 'Waltz' (M-G) slumped quickly in second week, thought to finish with second okay \$10,800.

'Can't Take It' Takes Big \$5,000, Lincoln; 'Waltz,' 'Hour' Tepid

Lincoln, Dec. 6. Not all the money is being saved around here for Xmas shopping. Variety, where 'Can't Take It' (Col) is making a belated appearance, is pulling up the currency at a merry rate with \$5,000 or better the first week, fanciest gate since NTI took it over. It's a cinch for a second stanza.

Other houses taking it very lightly. 'Great Waltz' so-soing at the Stuart; 'Shining Hour' likewise at the Lincoln; 'The Campus Confessions' at the Orpheum. Liberty, a J. H. Cooper house until Dec. 11, is being dualled and thrice split to burn out late action picture before it loses the Cooper tag. Set to open Jan. 1, or thereabouts, for T. B. Noble's NTI string. Kiva is dark and stays so until Xmas or New Year's.

Colonial (NTI-Noble-Monroe) (750; 10-15) —'Gun Packer' (Mono) and 'Wanted by Police' (Mono), split with 'Desperate Adventure' (Rep) and 'West San Francisco' (Col). All right \$900. Last week 'Gold Mine' (Rep) and 'Night Hawk' (Rep) split with 'Overland Stage Raiders' (Rep) and 'Crime Over London' (GB) fair \$800.
Liberty (LTC-Cooper) (1,200; 10-15) —'Brothers of West' (Vic) and 'Marriage Business' (RKO), 2 days; 'Stage Holdups' (U), 2 days; 'Exciting Night' (U), 2 days, and 'Pride of West' (Par) and 'Road Demons'

(20th), 4 days. Might hit \$1,000, good. Last week 'Bulldog Drummond' (Par) and 'Prairie Justice' (U) split with 'Sharpshooters' (20th) and 'Sons of Legion' (Par) light \$815, but will now hold until Dec. 11.

Lincoln (LTC-Cooper) (1,600; 10-25-35) —'Shining Hour' (M-G) and 'Down on Farm' (20th). Above average \$2,700 in sight. Last week 'Around Corner' (20th) and 'Suing Cheer' (U) slowed to \$2,700, but all right.

Orpheum (LTC-Cooper) (1,350; 10-15-20-25) —'Campus Confessions' (Par) and 'Youth Takes Fling' (U). Just fair, \$900. Last week 'If King' (Par) held over three days from Stuart, split with 'Five of King' (20th) and 'Night Light' (U).

Stuart (LTC-Cooper) (1,900; 10-25-40) —'Great Waltz' (M-G). Pulled after fourth day when a so-so \$1,800 was in the title. 'West with Hardy' (M-G) subbing for 10 days. Looks like good \$5,000 on the stretch. Last week 'Cowboy and Lady' (UA) was a humdinger at \$4,800.
Vanderbilt (LTC-Cooper) (1,100; 10-25-35) —'Can't Take It' (Col). Aiming for a glorious \$5,000, biggest for the house under present management. Last week 'Down in Arkansas' (Rep) and 'Lady Objects' (Col) slimmish \$1,500.

'Annabel' Gypsy \$13,500 in Indpls.; 'Hardy' H.O. 6 1/2 G

Indianapolis, Dec. 6. With the temporary closing of the Circle in the last two weeks for repairs one of the first runs is eliminated and the other downtown houses are garnering extra coin accordingly.

'Can't Take It' (Col) aided by 'Ferdinand', the Bull, is showing powerhouse strength at Loew's even in its second week after turning in a socko gross the first stanza. With its 'Can't Take It' (Col) and 'Ferdinand' (WB) and 'White Zombie' (Sup) n.s.h. \$2,100.

Indiana (Katz-Dolle) (3,100; 25-30-40) —'Annabel Takes Tour' (RKO) and Gypsy Rose Lee unit on stage. Latter giving big bang here because of the widespread publicity she received when she played here in Ziegfeld's 'Follies'. Good \$13,500, although net profit may not be high. Last week also was lots of spot week booking of stage unit.

Loew's (Loew's) (2,400; 25-30-40) —'West with Hardy' (M-G) and 'Adventure in Sahara' (Col) plus 'Ferdinand' (2d wk.). Plenty in block at \$5,000. Last week also was lots of money in the bank with socko \$12,100.

Lyrie (Olson) (1,900; 25-30-40) —'Comet Over Broadway' (WB) and 'Roger Fry's' (WB) on stage. Latter even all the billing. Okay \$9,000. Last week 'Nancy Drew' (WB) and 'Herbie Kay band on stage' finished to same figure.

'ANGELS' GOOD 19G IN SO-SO DETROIT
Detroit, Dec. 6. Bad weekend weather no aid to beating usual pre-Xmas tent in local boxoffice, but things could be a lot worse.

Estimates for This Week
Adams (Balaban) (1,700; 30-40) —'Dark Rapture' (U) plus 'Road to Reno' (U), dual. Headed for good \$5,000. Last week 'Can't Take It' (Col) (2d wk.) (2d run) and 'Flight to Flame' (Col), following beaucoup \$5,900 first stanza combined with 'Crime Takes Holiday' (U) and 'Pride of West' (Par) and 'Road Demons'

(20th) plus stage show. Not bad weekend weather no aid to beating usual pre-Xmas tent in local boxoffice, but things could be a lot worse.
Estimates for This Week
Adams (Balaban) (1,700; 30-40) —'Dark Rapture' (U) plus 'Road to Reno' (U), dual. Headed for good \$5,000. Last week 'Can't Take It' (Col) (2d wk.) (2d run) and 'Flight to Flame' (Col), following beaucoup \$5,900 first stanza combined with 'Crime Takes Holiday' (U) and 'Pride of West' (Par) and 'Road Demons'

First Runs on Broadway (Subject to Change)

Week of Dec. 8
Astor —'Pygmalion' (MGM).
Capitol —'Out West with the Hardys' (MGM).
(Reviewed in VARIETY, Nov. 23)
Criterion —'Storm Over Bengal' (Rep).
Globe —'Secrets of a Nurse' (U) (10).
(Reviewed in VARIETY, Nov. 16)
Music Hall —'Dramatic School' (MGM).
(Reviewed in Current Issue)
Paramount —'Thanks for the Memory' (Par) (7).
(Reviewed in VARIETY, Nov. 9)
Rialto —'The Last Warning' (U) (7).
(Reviewed in Current Issue)
Riviera —'Up the River' (20th) (2d wk.).
Roxby —'Thanks for Everything' (20th) (9).
(Reviewed in Current Issue)
Strand —'Angels with Dirty Faces' (WB) (3d wk.).
Week of Dec. 15
Astor —'Pygmalion' (MGM) (MGM) (2d wk.).
Capitol —'Out West with the Hardys' (MGM) (2d wk.).
Criterion —'Flirting with Fate' (MGM).
Music Hall —'Dramatic School' (MGM) (2d wk.).
Paramount —'Artists and Models Abroad' (A) (14).
(Reviewed in VARIETY, Nov. 2)
Rivoli —'Heart of the North' (WB) (17).
Roxby —'Thanks for Everything' (20th) (2d wk.).
Strand —'Angels with Dirty Faces' (WB) (4th wk.).

more than \$15,000, poor. Last stanza nice \$25,000 for 'Just Around Corner' (20th) and Horace Heidt band on stage.

Michigan (United Detroit) (4,000; 30-40-65) —'Dirty Faces' (WB) plus 'Hard to Get' (WB) dual. 'Faced for nice \$19,000. Swell \$21,000 last week for 'If King' (Par) and 'Thanks for Memory' (Par) on eight days.

Palm-Santa (UD) (3,000; 30-40-50) —'Night Attache' (WB) (U) plus 'Prison Train' (Col), dual. Much-publicized Martian broadcast not helping U's film version; looks like bad \$2,500. Last week poor \$4,000 for 'Girls of Prohibition' (WB) and 'Old Mexico' (Par).

United Artists (UD) (2,000; 30-40-50) —'West with Hardy' (M-G) (2d wk.) and 'Ferdinand' (WB) (U) following good \$11,500 first stanza. Will pull out this Thursday (8).

Omaha Converts Duals Into Triplers; Temple, 'Fling' Mighty \$12,500
Omaha, Dec. 6. Shirley Temple performed herself still one of this city's favorites by drawing \$12,500 at the Orpheum in last week's performance. In spite of bad weather has been hurting general business badly, and this is reflected in b.o. takes.

Omaha (Blank) (2,000; 10-25-40) —'Citadel' (M-G) and 'Torchy Man' (WB), with extra showing at opening. Last week 'Can't Take It' (Col) (2d wk.) (2d run) and 'Flight to Flame' (Col), following beaucoup \$5,900 first stanza combined with 'Crime Takes Holiday' (U) and 'Pride of West' (Par) and 'Road Demons'

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B'way Hits a Lull; 'Angels'-Lewis Fine \$35,000 2d Week, Jessel Ups 'Citadel' to 28G, 'French'-Basie 30G

The pre-Christmas slump is here, judging by the state of business on Broadway this week. Only two shows are providing any real action, the holdover of 'Angels with Dirty Faces' with Ted Lewis at the Strand and 'Citadel' on second-run at the State. Latter has George Jessel, Dixie Dunbar and Josephine Huston on the stage. With the exception of 'Sharpshooters' at the secondary Globe, which is doing quite satisfactorily, the rest of the town ranges from disappointing to so poor that red is the answer in a couple spots.

The powerful 'Angels'-Lewis combination at the Strand, which soared to a mighty \$52,000 on the first week, is pacing strongly for a possible \$35,000 this week on the holdover. This is the street's leader by many lengths. State is running second in highly respectable fashion, however, at a gain suggesting a probable \$25,000 with 'Citadel' and the vaude show headed by Jessel. There will be only one holdover from this week, the Strand.

'Say It in French' and Count Basie, plus Buck and Bubbles and other acts, in originally for just one week, finished the stint last night (Tues.), at the Paramount at \$30,000. This is a profit, but represents the smallest first week for any show house has had in a long, long time. Par gross was aided by a jam session Monday night (5), which included Benny Goodman, Cab Calloway and numerous others. House opens 'Thanks for Memory' today (Wed.) with Blue Barron band, Shirley Ross and Ken Murray.

Into the red for the first time over a long period for house is 'Just Around the Corner', which won't get the Roky more than \$28,000. Another that sinks into crimson is 'Up the River', the possibilities for which stand at \$8,500. The Rivoli, which has obtained 'Heart of the North' from Warner Bros. and is dickering, also, for 'Beachcombers', which is releasing in this country. 'Spring Madness' at the Criterion, may stretch to \$6,000, but poor and unless nut is away down currently that also is carmine.

Two holdovers which did good business on their initial weeks, but are sliding more than expected, currently are 'Cowboy and Lady' and 'Great Waltz' at Music Hall and Capitol, respectively. Former hit \$98,000 on the first week, slowing up a bit toward the end, and on the holdover will be about \$71,000. 'Waltz', knocking out \$34,000 on its first seven days, tumbles to \$20,000 or less. In both cases, the last two weeks mean good profit, however.

Hall brings in 'Dramatic School' tomorrow (Thurs.), obtained from Metro, but has nothing set to follow it. In both cases, the last two weeks mean good profit, however.

'Sharpshooters' may surprise satisfactorily to get \$8,500 at the Globe, but won't do it. Rialto, which is so-so week with 'Shadows Over Shanghai' yesterday (Tues.) at \$5,500, brought in 'Last Warning' in the evening.

Closing down Sunday night (4) after a forced run of 16 weeks, 'Marie Antoinette' is succeeded at the Astor tonight (Wed.) by 'Pygmalion' (M-G), with little promise tonight (Wed.), proceeds to go to relief of German refugees, inaugurates grind run tomorrow morning (Thurs.) with 'Angels' (WB), getting \$4,000 on its first week, has a run of 16 weeks at a \$2 top.

Capitol (4,520; 25-55-65-85-125) —'Great Waltz' (M-G) (2d-wk. week). 'Ours' (WB) (2d wk.) (2d run) profit after pretty good first week of \$34,000. 'Out West with Hardy' (M-G) tomorrow (Thurs.).
Madison (1,602; 25-40-55) —'Spring Madness' (Col) (2d wk.) (2d run). Last week, 'Listen, Darling' (M-G) topped \$8,000, rather good.

Globe (1,274; 25-40-55) —'Sharpshooters' (WB) (2d wk.) (2d run). Opened above expectations and made \$8,500, good. Last week, 'Crime Takes Holiday' (Col) slumped toward the end, \$7,000, but all right.

Astor (1,700; 25-40-55) —'Mad Miss Manton' (RKO) (2d run) and Next Time I Marry' (RKO) (1st run), dualled. This combination far from dynamic, probably only around \$7,500. Last week, 'Crime Takes Holiday' (Col) and 'Man to Remember' (RKO), both 2d run, \$9,500 on eight days.

Paramount (3,684; 25-55-65-85-99) —'Thanks for Memory' (Par) and, on stage, 'Blue Bird' (Barrie), with Ross and Ken Murray, opens today (Wed.). Single week behind for 'Say

It in French' (Par) and Count Basie, \$30,000, lowest scored here in long time on a first seven days but some profit. In head, second week of 'Ark Traveler' (Par) and Larry Clinton, \$31,000.

Kadie City Music Hall (5,980; 40-50-84-99-155) —'Cowboy and Lady' (UA) (2d wk.) (2d run). Went to \$98,000 the first week, tapering a little at finish but very good and on holdover is considerably under hope at \$71,000 though profitable. 'Dramatic School' (M-G) opens tomorrow (Thurs.).

Rialto (750; 25-40-55) —'Last Warning' (U). Brought in here last night (Tues.) after week of 'Shadows Over Shanghai' (GN) at \$5,500, mild. 'West of Tombstone' (RKO) on 6 1/2 days got \$5,700.

Rivoli (2,092; 25-55-75-85-99) —'Up the River' (20th). Going very slow and no more than \$8,500 tops indicated, red. Last week, second for 'Tough Guys' (U), also a dodo, around \$4,000.

Roxby (5,836; 25-40-55-75) —'Just Around Corner' (20th) and stage show. Temple's latest a bust here, \$28,000 maximum, which is crimson. Last week on holdover of 'Sub Patrol' (20th), business dipped unexpectedly toward end to \$27,000 but some profit.

State (3,450; 25-55-75) —'Angels' (M-G) (2d run) and vaude headed by George Jessel, Dixie Dunbar and Josephine Huston. A real spurt in business here over a few recent weeks will take gross to possible \$35,000. Last week, second for 'If I Were King' (Par) (2d run) and Jack Denny orchestra, \$20,000, fair.

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H.O.S. HOLD HUB; TEMPLE DUAL 20G, 2 SPOTS

Boston, Dec. 6. Big week of holdovers here. 'Citadel', 'Angels' and 'Drums' all good for second weeks, with 'Drums' aiming for \$30,000. Last week 'Citadel' around the corner, only new film in town, with 'Arrest Bulldog Drummond' on same bill at the Par and Fenway, is doing all right. 'Citadel' (M-G) (2d wk.) (2d run) and 'If I Were King' (Par) (2d run) and Jack Denny orchestra, \$20,000, fair.

Estimates for This Week
Fenway (M&P) (1,332; 25-35-40-55) —'Around Corner' (20th) and 'Bulldog Drummond' (Par). Hitting handsome \$11,000 gain. Last week 'Suez' (20th) and 'Torchy Man' (WB) (2d run), okay \$7,100.

Lyrie (Olson) (1,900; 25-30-40) —'Comet Over Broadway' (WB) and 'Roger Fry's' (WB) on stage. Latter even all the billing. Okay \$9,000. Last week 'Nancy Drew' (WB) and 'Herbie Kay band on stage' finished to same figure.

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SHARP BRITISH PROD. DROP

See Italians Hedging on U. S. Pix

Weakening of the Italian government's stand on the film distribution monopoly, set to become effective Dec. 31 next, was seen in cables received by the Hays office yesterday (Tuesday) which stated that the government planned to extend the start of its nationalization plan for foreign distributors six months. This is merely a verbal promise with nothing in writing nor any official signature as yet, but hinted that the government did not want the eight major American companies to pull stakes in Italy.

Metro, Paramount, Warner Bros. and 20th-Fox, four companies operating their own exchanges in Italy, Duce's country, have notified employees they will shutter after Dec. 31, with many distributors seeking new spots in their European organization for veterans forced out of business in Italy.

Only official observation with major companies and Hays office was that Italy must make up its mind before the end of the year as to whether the effective date for the government film monopoly is to be Dec. 31 or six months hence.

Poor B.O. Films from U. S., Political Blocks Push Aussie Biz to Depress Era Depths; Dean Asks Cooperation

Sydney, Dec. 6.

Exhibitors here are mulling a drive to bring the public back to film theatres. Boxoffices are low currently, and both exhibitors and distributors believe a combined campaign with both exhibitors, and distributors contributing would go far in bolstering revenue for both.

One plan contemplates distributors paying one third, exhibitors a similar amount and Hoyts and Greater Union circuits another third.

Sydney, Nov. 18.

Picture biz in the Antips, according to many execs, has gone back to the 1930-31 depression era. Said that a dearth of quality product from abroad is one of major reasons for the b.o. fall. Some execs say that pictures with high values in U. S. are not always accepted here. Two former Yankee kids, 'Algiers' (UA) and 'Four Daughters' (WB) are big weakies in this territory. Sydney, which has 10 long-run theatres, only has three b.o. pictures, 'Drums' (UA), 'Alexander' (20th), and 'Marie Antoinette' (M-G).

Certain execs believe, however, that a letup in political pressure, plus an earnest endeavor to bring about cooperation between exhibitors and distributors, would soon point the way to successful trading.

Sam Snider, managing director of Snider-Dean, recently returned from a visit abroad, stated he thought that leading U. S. execs did not know the true situation prevailing politically in the Antips today. Snider said he felt positive U. S. execs would be more than willing to cooperate on satisfactory working conditions for the industry.

Snider suggested, since U. S. execs regarded this territory as highly important, that the present trade upheaval could be eased providing all concerned would get together to eliminate all political interference.

HAKIM IN AMERICA; ANZAC FILMER DITTO

Raphael Hakim, French producer who last year made 'Pepe le Moko', which, Walter Wanger remade into 'Algiers', has arrived from France to look over the U. S. distributing market.

Hakim brought with him two pictures, 'Human Beast', directed by Jean Renoir, featuring Jean Gabin and Simone Simone; the other is 'Naples', directed by Auguste Genina, featuring Mireille Balin and Tino Rossi. Hakim's stay here will be indefinite.

Sir Samuel Walder, member of the board of directors of National Studios of Pagewood, Sydney (Australia), arrived in New York last week bringing with him a print of 'Rangle River' with Victor Jory featured.

Walder is negotiating a distributing deal for five Australian-made pictures produced by his National Studios, and sails for England Dec. 16.

6 OF LONDON'S 80 STAGES WORK

Resumption of Activity Seen Not Before April Despite Reports That Studios Will Pick Up After Jan. 1—Exhibitors Would Fail to Meet Quota Requirements

MERGE STUDIOS

London, Dec. 6.

Six stages out of 80 in film studios here are now operating and total of 500 technicians have been let out, representing approximately 60% of local union operatives. The two principal studios which made drastic cuts are Denham and Pinewood.

Today (Tuesday) Richard Norton, executive head of Pinewood, issued a statement saying that only seasonal employees had been released and that studios would resume after Christmas. Paramount is making one picture at Pinewood.

Twentieth Century-Fox has just made arrangements to take over Gainsborough studios at Islington. Fox states it will retain present producing and administrative staffs.

George Elvin, head of Association of Cinematographers, says that despite announcements of resumption of studio activities after the New Year, he doesn't foresee any resumption until April. Even then, a not very substantial reemployment is anticipated, he stated.

This indicates that before the year ends exhibitors will find it impossible to meet quota requirements, but the Film Council is empowered to use its judgment and may permit making of cheaper native pictures below the \$75,000 figure presently stipulated. Half of latter must be spent on British labor, rule states. In the meantime, technicians are on the dole. The difficulty seems to be that no British money is available for making pictures.

Recent reported amalgamation of Denham and Pinewood resulted in forming a \$9,000,000 holding company, which assessed the valuation of both studios. This may culminate in doing away with one or the other and converting one into a huge housing estate, erecting homes which will yield income for owners.

BUCHANAN, MAXWELL TEAM FOR 250G FILMS

London, Dec. 6.

Negotiations are practically concluded for Jack Buchanan to ally himself with John Maxwell's Associated British Picture Corp. to make pictures costing approximately \$250,000 each. First one begins immediately after signing.

An original by Douglas Furber and Buchanan, along the lines of his latter's 'Smash and Grab' film, is sketched for the initiative. Cast will include Buchanan, Edward Everett Horton, Elsie Randolph and David Burns. Tim Whelan will direct.

More Sydney Vaude

Sydney, Nov. 18.

Hinted that the Mayfair, Sydney, may adopt a vaudeville policy shortly. Questioned on the subject, Sam Snider, of Snider-Dean, said that as far as he knew the move was not in the air, but from other reliable quarters it's learned such a policy may be tried.

Hoyts has found it payable to spot a top vaude act with pictures at the Regent here, and it's understood a vaude bid will be made with the Mayfair, in which Hoyts is interested with S-D.

New French Government Decree Seen Hurting American Distributors; All Foreign Concerns Would Be Hit

'Farm' Looks Unlikely In London Opening

London, Dec. 6.

'Story of African Farm,' adapted from Olive Schreiner's novel of same name, opened at the New Theatre last Wednesday (30).

It's unsatisfactory and seems very unlikely.

Paris, Nov. 29.

Heads of Yank film interests in this country will have plenty of reason for headaches in gross lots by the end of the year if the terms of the new cinema decree approach what soundings show they are likely to be.

The work of an inter-ministerial commission, appointed some time ago to coordinate the activities of the different ministerial departments interested in cinema problems, the decree is expected to contain at least six paragraphs, of which two, possibly three, will crack down on the Americans and other firms distributing foreign films. As far as could be learned from best-informed circles, the following is a fair resume of what the decree will contain:

National Registrar

1. Creation of a national cinema registrar. This organization would keep a complete record of all French films from the time they commence until they are finished. Purpose would be to give film a 'civil status,' thus allowing it to represent a certain legal value once work is begun, value increasing as work progresses so loans could be made with the value of the film being given as security. Rates of interest now asked by money-lenders for new or partially completed films stand at an abnormally high figure. Thus it would be easier for producers to borrow in order to complete productions;

2. Guarantee of salaries for all persons working on the production of a film (probably producers' bonds or something on a like order);

3. Making it impossible for certain categories of bankrupts and undesirables to participate in production, distribution and exploitation of films in France;

4. Organization of the censure. It is envisaged, well-informed circles state, to place the censure under the premier's office, which would have the power to delegate officials to the ministries of interior, foreign affairs or national education, according to the category into which the film being censored falls;

5. Obligation of all houses to carry a documentary film on each program; and

6. State control of receipts. From what can be learned, the first, second and third would not affect the American industry, being concerned totally with French production. Exact details of how the organization of the censure is to be carried out and if it's to obtain any new regulations making it harder for the Yanks to import films into France could not be learned.

Encourage the Young

No. 5, however, poses a different question. Reason which is given in informed film circles here for imposing this rule is to encourage young directors and producers, if being expected that they will start with short documentary films. But it is a shoe on another foot for the Yanks. In the nabs and provinces, where double-feature programs are most heavily used, the obligatory insertion of a documentary picture would make the program too long for a double feature. Result: the second feature, which will many a case be American or some brand of foreign film, would be eliminated.

Dickinson Named Par Sales Mgr. in Britain

London, Dec. 6.

C. J. Dickinson was named general sales manager in Great Britain for Paramount last week. He's a former branch sales supervisor for Par. Dickinson succeeds Montague Goldman, who resigned about a month ago.

Probably no more changes will be made in Paramount British company's personnel until John W. Hicks, Jr., present head of the English film, return. From U. S. will be Adolph Zukor early next year.

PROD. DEAL FOR 20TH, HOYTS IN ANTIPS

Sydney, Nov. 17.

Product deal between Hoyts circuit and 20th-Fox probably will be set before Dan Michalove, 20th-Fox rep, leaves for U. S. Dec. 9. Michalove made an extensive survey of Hoyts' business during the several weeks he was here.

He came to New South Wales to sound out sentiment regarding the close association between 20th-Fox and Hoyts. Michalove was assigned to the task when W. J. Hutchinson, 20th's foreign manager, was away on other company business.

20th-Fox was aroused over threatening government gestures made in New South Wales because Greater Union Theatres, an all-Australian corporation, was given no ace product by the American company while it was supplying its best features to Hoyts, in which it held stock. This, too, is being looked into by Michalove.

Michalove is due to arrive in Los Angeles Dec. 26.

JEWISH ARTISTS BANNED FROM HUNGARIAN STAGE

Budapest, Dec. 6.

Hungary has taken another stab at Jewish artists with publication of list of eligible performers by the newly formed Hungarian Actors Guild. Numerous Jews were excluded from the accepted list of 1,955 players who may appear on the stage and in films in Hungary.

Artists whose names were unlisted include Rosy Barsony, Oscar Bergei and Lili Darvas, wife of Franz Molnar, the playwright. It was explained that the list might later be modified. Molnar, along with a host of other prominent Hungarian-Jewish artists, fled to Paris about six months ago, where they have set up a refugee colony.

Tilden's Mild London Debut; Exhibish Game

London, Dec. 6.

Bill Tilden's vaudeville debut in a tennis exhibition at the Trocadero was mildly received here. Offering needs building, and will then have possibilities.

Cinesound's Expansion

Melbourne, Nov. 20.

Greater Union Theatres, continuing on the solo road, will rebuild the Melba at a cost of \$200,000. On completion it'll be renamed Victory. The Empress, Sydney, is also being rebuilt and will be retitled the Victory. In Adelaide, GUT is completing another theatre, also to be known as the Victory.

MAD ABOUT MONEY

(BRITISH-MADE)

(WITH LONDON NO. 28)

British Lion release of Joe Rock-Elsie production. Stars Lupe Velez, Jean Colin, Wallace Ford, Sorenson, John Meehan, Jr., from original by John Meehan, Jr., music, James Raymond, Kenneth Marshall, S.M.C. At Cambridge, London. Running time, 77 mins.

Lupe Velez.....Lupe Velez
Jean Colin.....Jean Colin
Wallace Ford.....Wallace Ford
Sorenson.....Sorenson
John Meehan, Jr.....John Meehan, Jr.
Kenneth Marshall.....Kenneth Marshall
S.M.C. At Cambridge, London.
Running time, 77 mins.

Picture was made about three years ago at the Joe Rock studios. Its delay in presentation could not possibly have been due to lack of quality, but probably due to financial complications. There's much to commend it and there would be much more had it been put out immediately after production. Times have since changed, but it's still a good musical at popular prices here, and a reasonable dual fill-in in America.

There's a fine cast, headed by four Hollywood flimsters, plus a clever English ingenue, Jean Colin. Production and photography are good. Lupe Velez, Ben Lyon, Wallace Ford and Hans Langdon acquit themselves well.

Just the usual masquerade story of an ambitious actress passing herself off as an heiress, and a near-break film company in danger of going on her millions. Even the sweet young thing is included; she agrees to sacrifice her honor to make good on the hoax.

Picture will have to click reasonably strong here to get back production costs, which must have been considerable. Jolo.

SACRIFICE OF HONOR

('Sacrifice d'Honneur')

(FRENCH MADE)

Tri-National release of Imperial production. Stars Annabella, directed by Marcel L'Herbier. Screenplay by Charles Spack from story by Claude Farrere and Louis Noguery; music, Jean YVES; editing, Jean YVES; cast, Annabella, at Normandie, N. Y., week Nov. 30, '38. Running time, 77 mins.

Annabella.....Annabella
Captain de Corlaix.....Victor Francis
Lieutenant d'Arville.....Robert Vidalin
Commander Brambourg.....Pierre Renoir
Lieutenant d'Arville.....Robert Vidalin
Alice.....Alice

(In French, with English Titles)

This opening attraction at the stylish Normandie, Park avenue cinema, appropriately enough is a French production and is a French production. Film is ideal for this spot, and the fact that Annabella currently is in the romantic limelight (in company of Tyrone Power in 'South America') will not hurt either. 'Sacrifice d'Honneur' should collect good returns in arty houses and perhaps elsewhere if the exhibitor is smart enough to plug the action phases of the film. Annabella is the only one recognizable by American audiences, although strongest roles are assigned to others.

Picture is a fairly gripping tale of a naval commander's efforts to save his battle-ship against a surprise attack by an enemy cruiser, and his battle to save his rank in the navy at the hands of a courtmartial. The indiscreet affair by the youthful wife of the navy commander, which figures in the powerful courtmartial episode, has been treated with piquancy but much care.

The thing that will impress the average American fan is the uncertain pace set by the scripters and director. For example, earlier passages at a ship's crewwell party and the battleship and almost up to the battle scene turn out tedious and often so belabored they are hard to follow. But, typical of Director Marcel L'Herbier's efforts, the ship captain gives the order to 'clear for action,' the story moves along with swiftness and dispatch. Then, exemplifying the ups-and-downs of a film's quality, there is a sequence where the crew, virtually all in one lifeboat, call out in a body for the captain to come with them that smacks of musical comedy patter. Film then pushes up to a sturdy finish with the courtmartialing of the badly wounded ship commander who has been miraculously rescued.

The captain's wife accidentally was trapped inside her sweetheart's cabin and taken on the cruise, which enables her to come in later and vouch for her husband's honor. The younger officer's cabin makes it look bad in the captain's eyes.

Annabella provides a high-pitched interpretation of the young wife, which possibly explains why she was given a chance in Hollywood. It is not, however, her finest screen effort or even her best work in a foreign picture. The director appears partly to blame, and certainly much of the photography is unfattering while she suffers from faulty makeup throughout. Outstanding in support is the young officer of the ship commander by Victor Francis. Another excellent characterization is furnished by Signoret. Pierre Renoir, as the senior lieutenant under Capt. Corlaix, provides a colorful bit of villainy. Robert Vidalin is the young officer who has his affair with the captain's wife. Roland Toutain, in the role of an officer's menial, gives a droll performance that provides about the only humor of the piece.

For good reason, English titling is capital. No cameraman credited, but just as well because. Wear.

Brothers of the West

Victory release of Sam Katzman production. Directed by Victor Katzman. Original and screenplay, Basil Deaky, camera, Bill Hays; editor, Robert Truett, At Liberty, Lincoln, Ala. Running time, 56 mins.

Tom Tyler.....Tom Tyler
Lola Wild.....Lola Wild
Annals.....Annals
Dorothy Short.....Dorothy Short
Lafayette.....Lafayette
Lafayette.....Lafayette
Lafayette.....Lafayette
Lafayette.....Lafayette
Lafayette.....Lafayette
Lafayette.....Lafayette

Strictly a quickie, 'Brothers' will be equally quick to get out of the books in the case of spots it plays. It's a tedious western, full of dumb lines with little evidence of pen or directorial brushing, before, during process of, or after shooting.

Mistakes are plentiful; they bring hoots from even the most careless western seer. Nearly everybody knows a newspaper won't cause a smoky fire, that women sometimes carry a complete change of wardrobe around in the rear seat of his car without causing a bit of wonderment.

There are probably 13 major camera moves in 'Brothers,' so the film couldn't have taken much more than a week to complete once it got to the shooting stage. It's about Tom Tyler's brother, Bob Terry, getting mixed up in a robbery by the Roger Williams gang, which brings Tyler, a CMPA star lugger, to his aid and takes 30 minutes of forcing obstacles to keep the film from becoming completed earlier.

It's a poor place for any member of the cast to show quality, and none does. Especially noticeable about the picture is the complete lack of wardrobe. The two women start and finish in the same duds, Lois Wild in riding pants and boots, and Dorothy Short in a house dress. Tyler has on store clothes at the beginning, but reverts to his usual back-sgrubbed garb and stays with it. Roger Williams is evenly dapper, two cuts.

Strictly filler for western houses. Barn.

RETOUR A L'AUBE

('Return to the Dawn')

(FRENCH MADE)

Cinematographique release of J. Berchou production. Stars Danielle Darrieux, Jacques Dumont, Pierre Dux, Pierre Dux, directed by Henry Decoin. Story, Victor Baum; screenplay, Jacques Dumont; music, Jacques Dumont; editing, Jacques Dumont; cast, Danielle Darrieux, Pierre Dux, Jacques Dumont, Pierre Dux, Raymond Cordy, Jacques Dumont, Pierre Dux, Danielle Darrieux.

'Return to the Dawn' is a Danielle Darrieux film throughout. And if she were not there, it would not be much more to speak of. Support is good, story holds enough water and Henri Decoin has directed well; but illogical yarn, with unexpected letdown ending, makes this one falter. Miss Darrieux's performance will put it on the top-paying side in this country, but it's problematical for abroad.

Action begins as Miss Darrieux marries a railway station-master. The trains, with their travelers, give her dreams of a life unknown to her but one she'd like to try. News of her heritage in Budapest allows her to catch the Budapest Express, the train that had been the principal incentive for those dreams.

In the Budapest station she encounters a man she has known in her little village. She refuses to allow him to show her the town but takes his card. The inheritance collected, she returns, returning again while visiting courtier. She calls the friend and keeps the rendezvous in her new finery.

She amuses herself, drinks, gambles, and heres in a hotel room with an international jewel thief, having been used as a tool to take a diamond necklace out of a casino. The arrest which follows is a surprise, but the girl released and returned to her home and a worried husband.

Miss Darrieux, given plenty of chance to prove her acting ability, does well. Jacques Dumont is good as the thief but a hardened international thief does not usually commit suicide because he has involved an innocent woman. Pierre Dux, as the railway stationmaster, offers fair support and Pierre Mingand, as the playboy acquaintance, gets in some good copy. Raymond Cordy shows again that rightly cast he's always good support; in this case a porter at the station. Samson Fainsilber overplays as detective.

Extensive scenes taken in Hungary are picturesque enough, but too much emphasis is placed on wedding scenes. Dialog is generally good, but it could have carried more weight at the end. Hugo.

RETURN OF THE FROG

(BRITISH-MADE)

British Lion release of Herbert Wilcox production. Stars Gordon Barker, Maurice Elvey, Sorenson, John Meehan, Jr., from original by John Meehan, Jr., music, James Raymond, Kenneth Marshall, S.M.C. At Cambridge, London. Running time, 77 mins.

Gordon Barker.....Gordon Barker
Maurice Elvey.....Maurice Elvey
Sorenson.....Sorenson
John Meehan, Jr.....John Meehan, Jr.
Kenneth Marshall.....Kenneth Marshall
S.M.C. At Cambridge, London.
Running time, 77 mins.

Like Sherlock Holmes, they can never kill off 'The Frog.' Current picture has him trapped in a steam crane and as he's being lowered for capture, one of the mallet-headed cops opens it at the bottom, 'ermitting him to drop into the water and escape.

Taking the intensive American game plan as a standard of comparison, this one isn't pretentious enough for tough presentation in the U. S., though it has considerable suspense and laughs.

'The Frog' is the mysterious head of a gang of criminals in London. They work in mysterious ways and leave a stencilled drawing of a frog on the walls of every place they capture. One of the mallet-headed cops is Inspector Elk, both on the stage and in films for several years, and in this instance he's ably supported by Hartley Power, Una O'Connor, Rene Bay, George Hayes and Melinhardt-Maur. There's no attempt at exceptional photography or an elaborate production. Direction is adequate. Jolo.

SANTA FE STAMPEDE

Republic release of William Berke production. Features John Wayne, Ray Corcoran, Rene Bay, George Hayes, Sherman, Original by Lucius Ward; screenplay, Lucius Ward and Betty Burbridge; editor, Ray Corcoran. At Liberty, Lincoln, Ala. Running time, 56 mins.

John Wayne.....John Wayne
Ray Corcoran.....Ray Corcoran
Rene Bay.....Rene Bay
George Hayes.....George Hayes
Sherman.....Sherman
Lucius Ward.....Lucius Ward
Betty Burbridge.....Betty Burbridge
Ray Corcoran.....Ray Corcoran
Una O'Connor.....Una O'Connor
Melinhardt-Maur.....Melinhardt-Maur

All the ingredients of a good western are here. Given an almost airtight script, terrific suspense, some road-footing hard-fisted sorrel-saddlers on the side of law and order, and a ruthless thorough-going villain, western producers can't go wrong.

Title is meaningless, but the theme is as good of a western as anything with claim jumpers and gang of bad men who terrorize a mining town, aided and abetted by a corrupt and sordid justice of the peace. Later, alone for his murder in the last reel by turning on his law-breaking cronies, but pays for it with his life.

Wayne, Corcoran and Terhune, as the Three Mesquiteers, take a hand in the climactic scenes. Le Roy Mason and his desperadoes; circumvent their attempt to steal a bonanza mine discovered by William Farnum, and successfully battle to disprove the accusation by 'gang' the Wayne himself was the claim-jumper and murderer of Farnum and his little daughter.

Action scenes are handled in straightforward dramatic style with few attempts at humor to lighten things up. What laughs there are Terhune provides with his standard business, the ventriloquist's dummy.

The principal roles are thoroughly believable. William Farnum is okay as the murdered mine owner. June Martel, as the romantic interest, has little to do. Her scenes come when she dashes into jail to help Wayne make a getaway before the mob gets him, but she is finished off before the end of the scene is reached. Martin Spellman and Genee Hall score in juvenile parts.

Mob scenes at the jail and a near-lynching is the punch sequence of the yarn, and will have fans sitting up. The photography and direction are standard. Flicker will satisfy every western fan.

RANCHO GRANDE

(MEXICAN-MADE)

(WITH SONGS)

Atlas release of Alfonso Rivas Bostman production. Stars Tito Guizar, Lorenzo Barcelata, At World, N. Y., week Dec. 28. Running time, 81 mins.

Tito Guizar.....Tito Guizar
Lorenzo Barcelata.....Lorenzo Barcelata
At World, N. Y., week Dec. 28.....At World, N. Y., week Dec. 28
Tito Guizar.....Tito Guizar
Lorenzo Barcelata.....Lorenzo Barcelata
At World, N. Y., week Dec. 28.....At World, N. Y., week Dec. 28
Tito Guizar.....Tito Guizar
Lorenzo Barcelata.....Lorenzo Barcelata
At World, N. Y., week Dec. 28.....At World, N. Y., week Dec. 28

(In Spanish; with English Titles)

Some excellent music and colorful scenery elevate 'Rancho Grande' above the level of the usual horse opy. What is probably more notable, however, is that it includes probably Mexico's outstanding personality of the air, Tito Guizar. 'Rancho' was one of the award-winners at the Venice International Exposition last fall, at least 10 could be cut to advantage from the first half hour; become a big money-maker among

Inside Stuff—Pictures

Newspapers will handle publicity on Irene Castle McLaughlin and the RKO film, 'The Castles,' with kid gloves, one group extending over U. S. having been warned to go lightly and be extremely careful on any publicity. The reason for this touchy attitude is that Mrs. Irene Castle McLaughlin experienced difficulties in the past with the press. These papers claim they have had enough of her letter-writing and threats of lawsuits.

Parallel 100 feet tall, highest ever used in picture making, was built on the RKO ranch to film a dance sequence showing Fred Astaire and Ginger Rogers dancing across a 500-foot map of the United States in 'The Castles.' Parallel was built of steel. Wooden construction was barred since collapse of a parallel during the shooting of 'Gunga Din.'

Report current in Philly that the \$5,000,000 Mastbaum theatre here, not yet 10 years old, would be torn down to make way for a parking lot, is denied by Ted Schlanger, zone manager for Warner Bros., which controls the house. Far out of the center of the city and always a white elephant, the 5,000-seater has been almost half that for its 10 years.

Opinion of Quakerstown real estate men now is that Warners has postponed any plan to raze the empty palace because of bad public reaction it is feared such a tax-saving move would engender now, when the city is in extreme financial straits.

Although it was not announced, 'Ballarina,' current at the Little Carnegie, N. Y., won the grand prize as the best film entered at last year's Paris exposition. Picture was then called 'La Mort du Cygne' ('The Dying Swan'), but was retitled for U. S. distribution. Arthur Mayer and Joseph Burstin, who distribute 'Ballarina' in the U. S., purposely avoided plugging the fact that it was a prize-winner because nearly all French films are billed as having copped some sort of prize and they were afraid it might be a stigma in the case of 'Ballarina.'

Slight difference of \$4,500 caused RKO to drop the 'Affairs of Annabel' series which was showing a neat profit. Studio economist, who had a contract coming up next month, recommended that the series be dropped when Jack Oakie asked for \$50,000 a picture. 'Annabel' pictures cost less than \$200,000 apiece and were considered a good investment. Same studio economist is also whitening expenses on a petty scale and at the same time whitening down company loyalty.

Although Jeffrey Bernerd's contract as Gaumont-British's general manager, which had a two and a half years more to run, was reported settled for \$18,750, it was finally settled for \$90,000. Remainder of the pact had amounted to \$128,000. Bernerd since formed his own company, to distribute Grand National in England.

Perhaps a record high for a film scoring job is the \$258,000 budgeted for Metro's 'Great Waltz,' with Dr. Arthur Gutman, German imported, doing the batoning. The elaborate arrangements of the Strauss music for the film opera came to that amount, including orchestrations, musicians, personnel, etc.

New grease paint to make round faces look thin has been developed by Jack Dawn, Metro's makeup head. 'Currently it is used on Reginald Owen to make him look like a thin-faced Scrooge in 'A Christmas Carol.' Paint has the effect of lengthening an actor's face without interfering with his expression.

Report that Paramount would set up a separate sales department on short subjects, with Lou Diamond in charge, is denied. Move would mean a return to a former system which Par had when it maintained a shorts sales head, the same as some other companies continue to do, including Metro, Warner Bros. and 20th-Fox.

Metro is watching closely to ascertain what reception is accorded 'Boys Town' when it is submitted for showing in Germany, because the work of a Catholic priest is praised. Officials are hopeful that the film will be okayed simply on its entertainment value.

New Television Tour of National Broadcasting-RCA is not doing anything like the business anticipated. Estimate this week was that it was attracting only about 68% as much patronage as the radio studio tours. Television Tour started out Sept. 1.

'Wild Innocence,' current feature at the Belmont, N.Y., is an Australian picture about a tame kangaroo. It was made two years ago and reviewed from Australia by VARIETY at that time, under the title, 'Wilderness Orphan.'

Jimmy Durante had to pull out of Metro's 'Song of the West' to report for work in New York in Dwight Wiman's stage musical, 'Swing to the Left,' under an earlier commitment. Comic offered Lyman \$5,000 to postpone the start of 'Swing' rehearsals until the finish of the picture.

Universal is trying to set more cooperative deals with big names on the order of its Bing Crosby and W. C. Fields single film contracts. The stars work cutrate, on a partial financing and participating arrangement.

Theatre Authority made a decision over the L. A. Examiner, forcing the Hearst paper to turn over 15% of the gross collected at its Christmas benefit entertainment, in order to line up screen personalities.

April 16 next marks Charlie Chaplin's 50th birthday and distributors of his old comedies are pointing towards that date for a reissue drive of the former silents, now with synched accompaniments.

Metro added a footnote trailer to 'Young Dr. Kildare' heralding the fact that this is the first of a new series. Film was first released sans trailer.

all Spanish-speaking peoples, as it's been in its native Mexico.

Casting has been good and even Guizar, who heretofore hasn't indicated that he has any thespian wiles, manages to survive well in the running. A good story helps it all along, dealing with Guizar's love for Esther Fernandez, and the complications that arise when Rene Cardona, his friend, not knowing of their secret love, compromises the girl.

Miss Fernandez is a looker and would well decorate Hollywood pictures with 'Mexican backgrounds. Cardona's another who would show up well in the film colony. He's a good actor and his blonde looks, unusual for one of Spanish extraction, film very well.

Of the music, the traditional Mexican air, 'Rancho Grande,' is a click as sung by Guizar, while other music is less successful. Camera and direction are good although pace lags badly during the first half hour. Running time, 81 mins., at least 10 could be cut to advantage from the first half hour.

STORY BUYS

Hollywood, Dec. 6. Metro bought 20 Little Working Girls by Val Burton and Bradford Ropes.

20th-Fox purchased 'The Big Drum,' an original by John Francis Larkin.

Joel Y. Dane sold his story, 'Griff at Straws,' to Universal.

Paramount acquired Paul Convey's original, 'Happy Endings,' 'Called Back,' by Paul Convey, bought by Warners.

Andrew Stone sold his original, 'Wife Under Contract,' to Paramount.

TITLE CHANGES

Hollywood, Dec. 6. 'Off the Record' is release title for 'Unfit to Print' at Warners.

'Hi Yo, Silver,' is final tag of feature version of a republication 'Lone Ranger' serial in foreign markets.

20th-Fox changed 'Dangerous Cargo' to 'Chasing Danger.'

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RELEASED THRU UNITED ARTISTS

Films to Weld Good Will

(Continued from page 1)

pep-talks, exchange of literature, recording of typical tunes and folk-music, and other hand-holding.

Through the newly-established U. S. Film Service, the committee suggested the undertake projects which "will not be competitive with private enterprise, but will endeavor to supplement such enterprise." Agency would be clearing-house for film matters of interest to the 21 American Republics.

Place of the commercial producers in the program was not specifically explained. General hope in official quarters, however, is that the industry, through the Motion Picture Property, through the Distributors of America, Inc., will contribute their resources to the disguised propaganda campaign. Companies can make educational shorts which, besides supplementing the Government efforts, would also be usable in this country, it has been suggested.

Propaganda Pix

Concrete scheme for the Federal authorities involves resending, re-editing, and dubbing into Spanish and Portuguese the six existing films prepared by the Film Service, production of two new films, and purchase of projection equipment for U. S. embassies and legations throughout North, Central and South America. Overhauling the present pix would cost \$30,000, according to the report. The new films, each costing \$45,000, would be largely descriptive of the Pan-American bloc for the U. S. and one lensed here for exhibition abroad. In addition, films descriptive of the Coast Guard would be revised and adapted for exhibition in the Spanish and Portuguese-speaking countries, at an outlay of \$10,000.

Creation of a film library, inauguration of an exchange service, backed up by a traveling representative, and distribution of advertising material are other moves advocated by the committee. Appropriation of \$18,500 suggested. One man and a secretary would supervise the distribution and booking, while the field agent would operate in Mexico, Chile, Argentina and Brazil, conducting previews and contacting foreign officials, press, trade representatives, and leading citizens. In distributing and exploiting the Government films, the new units would exhibit out press releases, posters, feeds, radio ballyhoo, and other promotion material.

Permanent projection equipment should be installed in seven U. S. embassies—Argentina, Brazil, Chile, Colombia, Cuba, Mexico and Peru—where \$28,000 worth of equipment is needed. Reports recommended booth at each diplomatic center containing two 35 mm. and one 16 mm. machines, complete with screens and sound equipment.

Col.'s U. S. Shorts

Columbia Pictures has a crew, shooting scenes of the Washington scene on first of series of shorts on the Federal Government. There will be a reel on virtually every vital division of the Government.

Pathe newsreel has entered its bids on Federal Housing Administration pictures, both 35-millimeter and 16-mm., with FHA reported favoring color pictures on subject matter.

Wop New Markets

Hollywood, Dec. 6.

Plans to extend the remaining foreign film markets and to develop new outlets to replace those lost in Germany, Austria, Italy, China and Spain are being mulled by executive heads of the major picture companies.

Immediate action to strengthen their foothold in South American countries was recommended by Will Hays at a meeting with leading producers before he trained east. Prexy of the Motion Picture Producers and Distributors of America said the outlook was favorable, both here and abroad, but added that results were up to the producers and distributors themselves.

It is the consensus that biggest percentage of foreign grosses must come from England and other English-speaking countries. The producers were warned to regulate their production costs with this idea in mind.

Hays said an amicable agreement is now being worked out in the east between distributors and exhibitors. He said the future indicated a more cooperative relationship between the

two groups, and that problems of the exhibitor would receive full attention.

The question of industry participation in the New York and San Francisco expositions was discussed, but definite action was delayed pending a further conference.

Cliff Foy, executive v.p. in charge of production at Universal, and J. R. McDonough, RKO-Radio executive, were elected to the board of directors of the Coast Producers Association.

Joseph M. Schenck presided at the meeting, called to receive annual report of Hays. Among those attending were Work, McDonough, L. B. Mayer, Nate Blumberg, Samuel Goldwyn, George J. Schaefer and Harry Cohn.

Europe's Jitters

Europe's jitters does not bode well for future business of American distributors. European nations were hardly back to normalcy after the war scare, ended temporarily at least by the Munich pact, when new demands by aggressive nations, extension of Nazi influence and internal dislocations stirred fresh apprehensions.

Central Europeans arriving in New York predict that Europe will resemble a war camp for the next 10 or 12 months. And while this situation prevails, there must be fresh fareups, such as the recent demand by the Italian press for the return to Italy of colonies from France.

It is this unrest in Europe which is feared most as a threat to American film business abroad. Both Europeans and foreign department representatives of U. S. companies regard it as being more harmful than possibly a real outbreak of hostilities. It is the uncertainty of the future, plus the fact that this uncertainty harms normal business, money conditions and the actual foreign money rate which is viewed with apprehension by American producers and distributors.

Foreign film officials are cognizant of the losses to American picture companies in numerous nations within the last two or three years. The market in Spain is nil. China's revenue is heavily reduced because of continued fighting with Japanese troops. Revenue from Japan, already handicapped by the money-drain caused by the campaign in China, is tied up for three years, with American films just going into that country now after a ban of about a year. American companies now stand to lose the entire Italian market the first of the year as result of the nationalization decree on foreign distributors.

Any returns from former Austria and parts of Czechoslovakia have been reduced to virtually nothing as result of Germany's taking control.

Indicative of the present unrest in Europe is the recent purge of Nazi leaders in Roumania and hint of more trouble to come. Also in the spread of Fascist influence into Poland and Czech territory not already taken over by the Nazis.

Troubled situation in France was shown last week in the planned nationwide strike and, in addition, France is troubled with its monetary situation.

Rogers' P.A. Big B.O.

Minneapolis, Dec. 6.

Roy Rogers, Republic western star, personating at the Palace here, broke the house record, playing to approximately 10,000 in two days.

At a 25c admission gross was \$2,800.

Norfolk, Va., Dec. 6.

Gene Austin is set for two-day appearance at Colonial here Dec. 9-10, in connection with showing of his flicker, 'Songs of the Saddle.'

Morros-Korda Dicker

Hollywood, Dec. 6.

Boris Morros is negotiating with Alexander Korda and will talk with the latter when he gets here. Former Paramount studio's music head also has local negotiations, which he would prefer to leaving the country.

No successor at Par has been chosen. Irvin Talbot has been mentioned among others and is said to have an inside track for the berth. He's been first aid to Morros.

Haym Salomon in 4 Reels

Hollywood, Dec. 6.

Warners has picked 'The Sons of Liberty' as title of the forthcoming picture based on the life of Haym Salomon, Jewish patriot of the American Revolution.

Bryan Foy will make the four-reeler in Technicolor from a story developed by Crane Wilbur and Rowland Leigh. It was originally to have been feature-length.

UA G. M. AGAIN EMPHASIZES S. A. MARKET

Murray Silverstone, following up the policy announced several weeks ago at a board meeting of United Artists that American producers will have to shape their product in the future toward the Latin-American market, laid particular stress on this theme at a subsequent meeting of board last Wednesday (30). Attending the meeting in New York were Mary Pickford, James A. Mulvey representing Samuel Goldwyn, Charles Schwartz representing Charles Chaplin, Emanuel Silverstone representing Alexander Korda, C. E. Erickson representing Douglas Fairbanks, and Murray Silverstone, general manager of UA.

Silverstone has advised both Fairbanks and Korda to make their next productions especially attractive to the Spanish market. Korda will make several pictures in Hollywood instead of just the single picture discussed at board meeting on Nov. 18.

Another directors' meeting may be held Dec. 9, after Korda arrives from Europe.

Although Lloyd Wright is still in town conferring with Silverstone and Walter Gould on closing of a deal for Spanish pictures to be produced by Fortunate Bona Nova in Hollywood, no actual contract for the production has been signed yet. Probability is that final negotiations will be closed on the Coast. Wright is expected to leave here for Hollywood at the end of the week.

Comm'l Film Co. Formed On Coast by Larry Fox

Hollywood, Dec. 6.

General Commercial Film Co., slated to go after advertising coin on a big scale, was organized here with Lawrence W. Fox, former member of the N. Y. Stock Exchange, as president.

Company plans to deal in all types of production activity as well as maintaining a department to finance outside producers of commercial films.

Irving Starr, producer of the 'Crime Club' series at Universal, will head the executive committee. Walter K. Davies, secretary, will handle the advertising. Ben Hersh is v.p., and Nicholas S. Ludington, William M. L. Fiske and Robert A. Rowan are on the board.

ZIMMER GETS A LIFT

Hollywood, Dec. 6.

Dolph Zimmer was upped from assistant director to unit business manager at Metro.

First assignment is the new 'Tarzan' picture.

WB to Unloose Flood of Anti-Nazi Pix, Market Lost to Them, Anyway

Hollywood, Dec. 6.

Warners, ignoring the Nazi gag, is preparing a series of pictures exposing the activities of Hitler agents in the U. S. and the treatment of political prisoners in Germany. Slated to roll this month is a top-budgeter, 'Confessions of a Nazi Spy,' screenplay by Casey Robinson and Milton Krims, who attended the recent German espionage trial in New York. Leon G. Torrou, former G-man connected with the trial, is signed as technical advisor.

Harsh fate of German Jews is the topic of 'Concentration Camp,' dusted

'Dirty Linen' Washing Embarrasses At Richey Dinner; Meyers-Steffes

MANDEL VICE DOWD

Latter Taking Fair Post—21 Years With RKO Org

John Dowd, in charge of advertising and publicity for the RKO theatre chain, resigned effective Friday (9), stepping out to take an executive exploitation post with the N. Y. World Fair.

He has been with the old Keith circuit and RKO for 21 years.

Another oldtimer in the company, Harry Mandel, formerly with the B. S. Moss interests in Keith's and of late years in charge of advertising-exploitation for the Charlie McDonald division in RKO, will succeed Dowd.

John A. Cassidy will act as general press rep for Greater N. Y. houses under Mandel, while Patrick Grosso succeeds over the McDonald division. Fred Herkowitz continues to handle Lou Goldbergs' houses and Edward Sniderman remains with R. H. Emde, while Maurice Harris has been appointed to take care of the newly created division for Solly Schwartz. Blance Livingston remains over trailers and newsreels.

Peggy Folds, on screenings and other work, assigned to special publicity under Mandel.

N. Y. Sales Execs Of 20th Off to Coast For Distrib Huddles

The New York contingent of 20th-Fox district sales managers and others connected with the sales department is leaving here for the Coast tomorrow (Thursday) for the annual district sales managers' meeting in Hollywood, Dec. 12. Group consists of William Sussman, William Kupper, J. P. O'Loughlin, William Gering, Jack Bloom, Jack Sichelman, W. J. Clark, Martin Moskowitz, Roger Ferri, Joe Lee, Harry Buxbaum, Edgar Moss and Tom Bailly.

Sidney R. Kent, president of 20th-Fox, and Charles E. McCarthy, director of publicity and advertising, leave on Friday (9).

Clyde W. Eckhart, George Roberts and M. A. Levy will join the eastern group in Chicago, and W. E. Scott and Harry G. Ballance in Kansas City. George Ballentine of San Francisco and Jack Dillon of Los Angeles will also participate in the confabs to discuss sales policies of forthcoming pictures.

Headquarters of the sales managers will be at the Ambassador Hotel, half of the time to be spent at the 20th-Fox studios for screenings.

Regan Makes Up With Rep, Gets Bonus, 2 Pix

Hollywood, Dec. 6.

Phil Regan settled his contract difficulties with Republic in a confab with Herb Yates and agreed to star in two pictures, first of which is 'Hit Parade of 1939.'

Actor also agreed to drop his \$18,000 suit against the studio. He gets a bonus for the time he has been idle since last March.

Detroit, Dec. 6.

Testimonial dinner last week to H. M. Richey, identified with Allied and Co-Operative Theatres here for past 18 years, and recently named publicity-exhibitor relations counsel for RKO in New York, was turned into an occasion for 'washing dirty linen.' Before more than 150 Variety Club guests in Hotel Book-Cadillac, including city officials and judges, Abe Meyers, prez of National Allied Theaters, and W. A. Steffes, Northwest Allied head, unceremoniously lit into local exhibs for supposed laxity in support of Allied, thereby 'forcing' Richey to join Co-Operative of Michigan Year or so ago.

Local exhibs in audience were plainly embarrassed before Mayor Richard Reading, city councilmen, judges and newspapermen when Meyers set the stage for Steffes by harpooning film boys. They flew into a real rage when Steffes, introduced at behest of Meyers, bawled out Michigan exhibitors for letting Richey get away from Allied because 'boys didn't kick in enough money to pay him sufficiently.'

Sensing inappropriateness of making situation any worse in front of outsiders, local exhibs held their tongue during affair but handed plenty of squawks to Variety Club next day. Didn't object to lambasting, but thought it a most inopportune time to wash dirty linen when city officials and guests were present.

Mayor Reading, who spoke later in evening, took course off by injecting a few cracks, and Richey, as the final speaker, smartly avoided any reference whatever. In behalf of Allied, Meyers presented Richey with a silver service set, while local Variety Club gave him a three-piece set of luggage.

Besides Mayor Reading and Harvey Campbell, general manager of Detroit Board of Commerce, present were Ned E. Depinet and Jules Levy, of RKO; Glen Cross, George Trendle, Dave Idzal and numerous other local exhibs.

ARREST 10 KIDS IN IA. BANKO GYP GAG

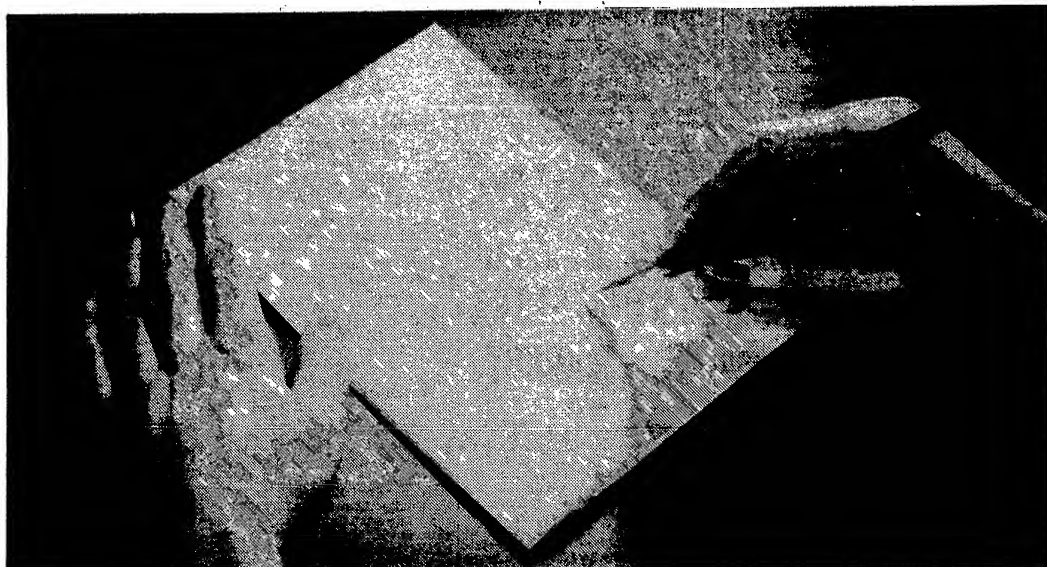
Des Moines, Dec. 6.

Because a 12-year-old kid hadn't practiced his sleight-of-hand lesson sufficiently a ring of bank night 'fixers' has been exposed at Keokuk, Iowa. Ten defendants, mostly high school boys, pleaded, not guilty in Keokuk this week to participating in the winning of \$1,750 bank night drawings at the Grand and Iowa theatres, both Frisina Theatre Co., an Illinois firm. They were indicted on charges of cheating by false pretenses or conspiracy to defraud, and released in \$250 bond.

The ring operated in the following manner: several conspirators attended the drawing. When the m.c. called for volunteers from the audience to serve as judges, one or more of them would go to the stage. The ticket would be drawn out of the box by a small boy and handed to the judges. Then one of the judges, by sleight-of-hand, would switch tickets, handing back one with the name of another conspirator and keeping the one drawn from the box. The profit was divided by members of the ring.

All went well, according to Police Chief E. G. McPherson, until Oct. 25 last, when a 12-year-old boy was taken into the deal. He had trouble getting the substitute slip out of his sleeve and aroused the suspicions of the m.c.

McPherson said the conspirators would wait until the bank night sum had become large before attempting a 'killing.' The indictments charge the first fraud took place last Dec. 28 when \$550 was taken by the conspirators. On Jan. 25 they took \$400; on April 5, \$300 and on Sept. 20, \$500. The next attempt was on Oct. 25 when the 12-year-old spilled the beans.



WRITE YOUR OWN TICKET!



"I WANT POWERFUL PRE-HOLIDAY ATTRACTIONS!"

Okay, Mr. Exhibitor, here are big productions now, when your box-office needs them most! **"DRAMATIC SCHOOL"** starring Luise Rainer, Paulette Goddard. World Premiere Radio City Music Hall, starting Dec. 8th. It's the most powerful heart drama since "Stage Door" and in its Hollywood Preview has been acclaimed one of the strongest box-office hits of the year.

Other current M-G-M money attractions to keep your house packed are **"OUT WEST WITH THE HARDYS,"** latest sensation of this famed family, beating even the previous one, "Love Finds Andy Hardy." Also Joan Crawford, Margaret Sullavan, Robert Young, Melvyn Douglas in **"THE SHINING HOUR."** Also **"THE GREAT WALTZ"** starring Luise Rainer, Fernand Gravet, Miliza Korjus. Also **"THE CITADEL"** starring Robert Donat, Rosalind Russell.



"I WANT THE FINEST XMAS FEATURE EVER MADE!"

Okay, Mr. Exhibitor, here's **"A CHRISTMAS CAROL."** Please screen it immediately and we'll guarantee that with tears in your eyes, happiness in your heart, you'll agree it's the fullest 7 reels of audience thrill and joy you've seen since M-G-M's previous Charles Dickens masterpiece, "David Copperfield." And **"A CHRISTMAS CAROL"** is a knockout attraction for any season of the year!



"I WANT A BIG, GALA NEW YEAR'S SHOW!"

Okay, Mr. Exhibitor, here's a New Year's show as big as a \$6.60 Broadway musical hit! It's **"SWEETHEARTS"** starring JEANETTE MacDONALD, NELSON EDDY. Entirely in Technicolor and the most magnificent production that ever combined star-names, hit-songs, soul-stirring love story and unique spectacular presentations! It will play day-and-date in hundreds of theatres across America, a positive clean-up for the most popular theatre-going time of the-year! **"SWEETHEARTS"** will write new box-office history for the greatest number of simultaneous bookings and for attendance beyond all previous records.

METRO-GOLDWYN-MAYER, THE FRIENDLY COMPANY

Personal Contact Tabu

(Continued from page 5)

mark for the first time in many years. First half of the month was slow, but increased production during the last two weeks resulted in total number of job placements for extras exceeding \$200,000.

Screen Writers Guild will hold its annual dance Dec. 17. Committee in charge of arrangements is composed of Allen Rivkin, chairman; Riggs Lardner, Jr.; Laura Ferrelman, Sy Bartlett, George Oppenheimer, Milton Sperling.

The NLRB has announced that the next film case to be taken up will be the petition of Screen Writers Guild charging major companies with unfair labor practice for their refusal to recognize certification of the Guild as bargaining agent for all screenwriters. Edward L. Alberty, attorney formerly with the New Britain Conn., and San Francisco offices of the board, has been assigned to the Los Angeles regional office to assist in clearing up 333 pending picture cases on file.

Fight for control of studio cameramen appears certain with filing of petition by American Society of Cinematographers. Ind. with NLRB for certification as bargaining representative for first photographers. Jurisdiction is disputed by the International Alliance of Theatrical Stage Employees. Latter now has on file with the NLRB a petition claiming jurisdiction over all workers in the photographic end of the industry. It is now negotiating a separate agreement with Walt Disney covering all photographers at that studio.

Consent Agreement Voided
Secret huddles between studio labor tops were renewed yesterday (Monday) in an effort to wash up petitions before the NLRB involving the IATSE. Plans for consent agreement between the various groups blew up last week when Carey McWilliams, attorney for the Studio Utility Employees Local 724 and Motion Picture Technicians Committee, opposed any settlement in advance of a formal hearing to determine the facts.

The IATSE had agreed to relinquish jurisdiction of studio laborers to Local 724, but deal fell through when Jeff Kibre, of Motion Picture Technicians Committee, refused to withdraw his petition demanding an investigation of IA supervision by international officers.

Move is still under way to persuade Kibre to withdraw his case and permit a settlement separating the IA and Local 724. If this move is successful, only remaining petition before the NLRB would be those of the IATSE asking certification as bargaining representative for its 12,000 film workers.

Gist of settlement proposed by the NLRB provided as follows:
Cancellation of Studio Basic Agreement as far as it provides for recognition of the Studio Locals of the IATSE.

Posting of notices by major studios that membership in the IATSE is not a requisite to employment. Cease-and-desist order against film companies coercing workers or interfering with formation of any union. Similar notice with reference to membership in the SUE, notices also to be included with next pay checks. NLRB to hold election within 30 days after posting of the notices to decide jurisdiction and certify bargaining representative for various workers now affiliated with the two groups. Petition for investigation of IA supervision by international officers to be withdrawn by Jeff Kibre of Motion Picture Technicians Committee.

Studio carpenters and machinists had previously agreed to refrain from filing charges in jurisdiction matters in an effort to aid agreement. Tops in IA and carpenters and machinists are now negotiating peace settlement.

Hearing on the proposed settlement was continued until Feb. 14 to give unions and the producers an opportunity to make recommendations for agreement. Negotiations will be continued in the meantime.

Terms of Settlement
L. C. Helm, business representative of the SUE, insists that only settlement acceptable to his group would be return of all recognized work done prior to 1937 studio strike, 82½¢ an hour for members and closed shop agreement. IA had agreed to this, which meant hundreds of members taken over from Local 724 shortly before strike would have to be returned. Failure of Kibre to act, however, is holding up settlement.

Major studio managers met yesterday (Monday) with Pat Casey, producer labor contact, to discuss methods of negotiating with various crafts under new Federal Wage-Hour Act. Following meeting of company executives in east, Sidney R. Kent wired instruction to Casey to proceed with negotiations. Action was taken after reading reports from Coast attorneys of the various companies, most of whom had conflicting opinions as how law should be applied to the film industry.

Negotiations will not include crafts under the Studio Basic Agreement. These will be held later with international presidents of organizations. Workers under Basic Agreement include IATSE, teamsters, musicians, carpenters and electricians.

Parmount is first studio to actually put new law into effect, all assistant cameramen going on 44-hour week. Action resulted in employment of 25 additional cameramen, and has proven successful, both to workers and the producers. If move is extended to entire industry it is estimated that between 150 and 200 additional cameramen will be given work.

Elmer F. Andrews, administrator of Wage-Hour law, stated definitely that film industry comes under the act, and that it supersedes any prior agreements with unions. The administrator said employers would not be exempt even if unions agreed to work 70 hours without time and a half pay after 44 hours.

This ruling, if upheld by the courts, would necessitate rearrangement of production schedules which now call for 54 and 60 hours before overtime starts. Men affected would include photographers, directors and assistants, gaffers, best boys, electricians, foremen, etc.

Andrews said purpose of the Act was to discourage overtime in an effort to provide work for the unemployed. He said it would be better to give two men 30 hours per week each than to work one man 60 hours, even if latter received overtime after 44 hours. He stated that rate of wages could not be reduced, but that incomes could.

Zukor In N. Y.

(Continued from page 3)

tribution, newsreel, stage contracts, etc. In addition he has been a director of several years of various subsidiary companies, and handles personal legal matters for Adolph Zukor. Through his general administrative and departmental duties of late years, he is in a position to relieve Balaban of many details and for convenience is occupying an office next to Balaban that has been vacant for some time.

Freeman's elaborate suite is unoccupied under the setup that prevails at the present time. Final clearance on all matters comes up through Netter or other divisions of the theatre department that were coordinated under Freeman. Partners and others having dealings with the Partheaters department will at present contact Netter or others, depending on the nature of the business, including Montague Gowthorpe, E. Paul Phillips, Leonard Goldenson, Louis Notarius, W. H. Lawrence, Harry Kalcheim, Harry Royster, et al., all of whom had Freeman on top as final authority.

Coincident with Zukor's assignment to go ahead and Freeman's shift to the Coast, the plan to name an advertising-publicity head at the studio over Terry De Lapp and Cliff Lewis, who now individually head separate publicity and advertising divisions, respectively, is in work but nothing has yet been decided. Bob Gilliam is at present on the Coast and may reach a decision in the matter before returning to New York. It is still possible that Al Wilkie may go out from New York.

In addition to Richards, Partheatre partners or associates who are in town include Hunter Perry, in charge of Virginia theatre, Vincent McPaul of Buffalo, and George E. Trendle, head of the United Detroit group, due today (Wed.).

Power Goes 'Arabia'

Hollywood, Dec. 6.

Tyrone Power is slated to play the name role in 'Burton of Arabia', a biographical adventure yarn, in preparation at 20th-Fox. Play is based on the writings of Sir Richard Burton, an authority on Arabian lore, current around 1800,

SEX PIC GETS ANOTHER CHANCE FOR N.Y. REVIEW

Albany, Dec. 6.

The Appellate Division will review the action of Irwin Esmond, director of the motion picture division, State Education Department, and a Board of Regents' committee, in denying a license for 'Human Wreckage', which the producers, Cinema Service Corp., insists is a preaching against syphilis. The case was to be argued before Supreme Court Justice Francis Bergan of Albany, Dec. 9. However, a stipulation signed last week by attorneys for the appellants and respondents provides for reference to the Appellate Division, 'in lieu of determination by a Supreme Court Justice.' Justice Bergan in two previous film cases preferred reference to the higher court. Present action is taken under the new Section 78 of the Civil Practice Act.

Kreutzer, Hauser & Selman, 32 Broadway, New York, are attorneys for Cinema Service. Ernest E. Cole, Charles A. Brind, Jr. and Joseph Lipkay are counsel for the Education Department. Esmond nixed 'Human Wreckage' last spring on the grounds it was 'indecent, immoral and would tend to corrupt morals.' Later a sub-committee of the Regents consisting of Dr. George J. Ryan and Gordon Knox Bell, of New York, found it 'distasteful and nauseating.' Producers, however, argue that picture's exhibition would be helpful in the present national campaign against syphilis.

VARIETY CLUBS ELECT SLATES

St. Louis, Dec. 6.

Louis K. Ansell (Ansell Bros. theatres) was elected Chief Barker of the local Variety club at the annual election Friday (2). Other officers chosen: A. L. Matreel, manager of the Uptown, first assistant chief; Harry Hynes, assistant manager of Universal Pictures, local branch, second assistant; Barker; Herbert Washburn, National Screen Service, property master, and Joseph Ansell, dough guy.

The officers will be installed at the annual banquet Monday (12) at which time Chick Evans, manager of Loew's, retiring chief, Barker, will be presented with a gift. The club has purchased Cap. W. J. Menke's showboat, Goldenrod, for a midnight performance Jan. 21 and the proceeds will be turned over to underprivileged children.

Dallas Re-elects

Dallas, Dec. 6.

Bob O'Donnell, Dallas, manager Interstate circuit, has been re-elected Chief Barker of Tent 17, Variety club. Other officers selected are R. E. Griffith, James O. Cherry, assistant chief; Barker; Lloyd Rust, secretary; Jack Underwood, treasurer. Directors, Louis Charninsky, Ed Wilson, Meyer Rachofsky, W. G. Underwood, Wallace Walthall and Harry Sachs.

Balto Elects

Baltimore, Dec. 6.

Local Variety Club held its annual elections last week and reelected Lou Rome as Chief Barker. Frank Durkee and Dick Weems were made assistant Chief, Barkers and Joe Young was returned as Secretary. Sam Diamond is treasurer with Eddie Sherwood, Will Hicks, Lawrence Schanberger, Elmer Nolte, Ed Kimpel, Joe Grant and Rodney Collier, on the Board of Directors.

Minneapolis, Dec. 6.

W. A. Steffes was, in effect, re-elected Chief Barker of the Twin City Variety club when members voted unanimously to make him the sole nominee. Nominees for the other offices will be balloted on at the election Dec. 12.

Buffalo Ballots

Buffalo, Dec. 6.

Robert T. Murphy, booking director of Shea's Theatres, was elected chief Barker of the Variety club of Buffalo, succeeding Jacob Lavene. Other officers: Sidney Lehman, United Artists, first vice-barker; Ralph W. Maw, Metro manager, second vice-barker; and W. E. J. Martin, dramatic critic, secretary and treasurer. New directors are: Constantine J. Basil, Harry L. Berkson, Charles Boasberg, Matthew M. Konczakowski, Kenneth G. Robinson, Matthew V. Sullivan, Jr., and Murray Whitman.

SAG Doesn't Think Eastern Film Studios as Responsible as H'wood

P.A.s Get Told

Hollywood, Dec. 6.

Licensing of all press agents for the protection of clients, public and newspapers was advocated by Russell Birdwell in a lecture to the Long Beach Advertising Club.

There are too many men in publicity, Birdwell said, 'who neither belong nor want to belong to the profession. They regard it as a jumping-off place to something they think is better.'

ELLIOTT-WB POOL MAY SETTLE PHILLY SUIT

Philadelphia, Dec. 6.

Arrangement whereby receipts of his theatre would be pooled with those of one of their houses has been offered by Warner Bros. to Herb Elliott, operator of the Fern Rock theatre, if he'll call off his dogs. Vauxley learned yesterday, Elliott, under the plan, would book and supervise both houses. He has accepted that much of the deal, but disagreement over ring, which still has to be ironed out, may yet throw his monopoly suit against eight major producers and their affiliated distributing and circuit-operating corporations into court.

Elliott three weeks ago filed proceedings in U. S. District Court in which he charged that Warners has monopoly on houses here, which has made it impossible for him to go into a free and untrammelled market to purchase the product he wants. As the ultimate means for getting the run he wants for his house, he demands divorcement of the Warner circuit from the producing and distributing party. His attorney is Harry Shapiro, Democratic floor leader of the State Senate, who threatens to introduce a divorcement bill at the next session.

ASCAP Wants to Educate Exhibs on Score Charges

Spurred by the report that a bill against it is being readied in Iowa, the American Society of Composers, Authors and Publishers, has started a campaign of enlightenment among the exhibitors in that state. Acting on the report that the Iowa exhibitors are giving their support to the proposed measure, because of the old score charge angle, the Society last week circularized them with a pamphlet pointing out that the score charge has nothing to do with music, and that neither ASCAP nor its members benefit in any way from such fees.

Attached to the circular were copies of an exchange of letters with the Hays office over the need for again impressing upon the exhibitor the fact that the score charge is in no way connected with music copyright owners, but, rather, is a fee that the film producer collects for the licensors of sound equipment. Under the agreement existing between ERPI and its producer licensees, the latter must pay the patent holders 8% of the gross derived from the exercise of the soundtrack licenses.

Newman Quits Goldwyn

Hollywood, Dec. 6.

Alfred Newman has resigned after nine years as head of Samuel Goldwyn's music department. He will freelance.

First assignment is scoring of 'Gunga Din' at RKO. Newman is also up for a radio job.

'Wuthering' Begins

Hollywood, Dec. 6.

Shooting on Samuel Goldwyn's 'Wuthering Heights' starts tomorrow (Wed.) after 10 days of rehearsals. Merle Oberon and Laurence Olivier head an English cast.

THAT SHE BLOWS

Hollywood, Dec. 6.

Kent Taylor gets the male lead opposite Florence Rice in 'Women in the Wind', Nat Levine's first production at Metro.

Screen Actors Guild will sign no more long-term production contracts with eastern studios. Such plans in the future will be for six-month terms instead of 10 years, as were the original deals. However, all existing contracts will be carried out.

Repeal the 10-year deals will no longer be concluded with independent companies in the East is that it is figured such outfits do not have firm enough financial structures to make them certain of being in existence the full term of the contract. In cases where outfits go out of business it is desired to avoid an experience the Guild had on the Coast. In that instance, a small indie studio folded and left its employees unpaid. When the company attempted to start production again a few months later the Guild had some difficulty enforcing the old wage demands, since the studio had a contract covering production.

Guild execs now admit that they made a mistake in signing the Eastern studios to the 10-year contracts. In their haste to get the Eastern field completely organized, they merely carried out the same policy they were pursuing on the Coast. That is, of concluding long-term contracts. They did not realize at that time that different conditions at that end required different treatment.

Although all the 10-year contracts will be carried out in cases where the companies stay in business over the full term, any deals with outfits which fold will be cancelled. Also, while the 10-year contracts have to be observed, they all carry clauses permitting yearly adjustments. It is to confer on any such changes that Kenneth Thomson, SAG executive secretary, is currently in New York. While here he may also huddle with newsreel officials (including March of Time heads) regarding a setup to cover such production. If the matter is not attended to at this time it will probably be acted upon when Thomson returns East in February. He expects to fly back to the Coast tomorrow (Thursday) or Friday (8).

Companies with which Thomson will huddle regarding adjustments in the existing contracts include Men-tone, Tru-Pictures, Audio, West Coast Services, Cavalier and Castle. Contract with Pathe, which has dissolved, will probably be cancelled.

1,250 Members

Revealed that SAG in Eastern territory now has 1,250 members, but executives in New York are mostly proud of the manner in which closed shop has been made effective. This has in effect curbed the membership and made possible more employment for those on the rolls.

SAG never has been entirely successful in getting actor members into re-enacted scenes of March of Time, later contending that it is a newsreel. Final decision on M. of T. will await ruling on definition of what constitutes a newsreel.

Guild also is having some difficulty in persuading 20th-Fox that members should be employed in making fashion shorts. Here again the claim is made that this comes in the category of newsreel shooting. SAG is understood to have been unimpressed by the argument after viewing one of earlier shorts in this new series, produced in the East, in which around a dozen top salary models appeared in the one-reel production. SAG claims that the fashion short is a staged production.

Interstate in a Dicker To Take Over Horwitz Chain

Dallas, Dec. 6.

Interstate Circuit has been dickering with Will Horwitz on a deal to take over the Horwitz theatres, which are chiefly located in Houston.

Both have been closely tied-in for some years, the Horwitz houses now being booked through Interstate.

GN Extends Sten

Hollywood, Dec. 6.

Grand National is extending commitment on Anna Sten for three more pictures following the showing of her first for the studio, 'Exile Express.'

New group of pix is budgeted at \$200,000 each.

"BRILLIANT PERFORMANCE!"



Box Office

Customers would be pleased to ride plenty of miles to see this red-blooded, action-crammed drama, the most worthy entertainment to roll out of Hollywood assembly lines in several days. Highly original story is entrusted to sterling cast, work of which is highlighted by brilliant performance by Akim Tamiroff.

THE HOLLYWOOD REPORTER

Definitely establishes Akim Tamiroff as a character star. A good cast and a good twist to the story pull it through for audience interest and the exhibitor has enough to exploit to let him give audience satisfaction.

DAILY VARIETY DAILY

Engrossing story, vigorous direction and capital performances click to make 'Ride a Crooked Mile' virile, exciting melodrama of wide appeal.

Picture is distinguished by superb characterizations by Tamiroff.

MOTION PICTURE HERALD

Showmen proffering this powerful film can shout from their marquees that Akim Tamiroff proves here beyond question his brilliant performance in "The Buccaneer" was no fluke. His portrayal of a modern American big scale cattle thief, true to the traditions of his Russian Cossack youth, is among the most convincing and vigorous acting achievements of the year. His vehicle is far off the beaten path.

There are no hollow heroics in the picture as played, and a high degree of suspense attained in mid-picture is retained steadily until the finish.



Tamiroff is terrific in Paramount's
"RIDE A CROOKED MILE"

CON. EDISON DECISION INFLUENCES STUDIOS

The latest and
Greatest of the
Hardy Series!

Capitol
Broadway and 54th Street
New York City

'OUT WEST' WITH THE HARDYS!
Lewis STONE • Mickey ROONEY
Ceclia PARKER • Fay HOLDEN

The latest and
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Ceclia PARKER • Fay HOLDEN



Believe me, if I'd known
there'd be a rush
like *this* I'd never
have taken that job as
extra cashier for
ANGELS WITH DIRTY FACES

**ANGELS WITH
DIRTY FACES**
Starring
JAMES CAGNEY
PAT O'BRIEN
THE "DEAD END" KIDS
HUMPHREY BOGART
Ann Sheridan • George Bancroft
Directed by **MICHAEL CURTIZ**
Screen Play by John Wesley and Warren Duff
From a Story by Ronald Brown
Music by Max Baer • A First National Picture

Note to all cashiers: You'll need all the "rush" experience you're getting from 'Angels' again when Errol Flynn in 'Dawn Patrol' comes for Xmas from **WARNER BROS.**

FILM BOOKING CHART

(For information of theatre and film exchange bookers, VARIETY presents a complete chart of feature releases of all the American distributing companies for the current quarterly period. Date of reviews as given in VARIETY and the running time of prints are included.)

(R) REISSUES

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WEEK OF RELEASE	TITLE	PRODUCER	DISTRIB.	TYPE	TALENT	DIRECTOR	TIME MINS.	WHEN REVIEWED BY VARIETY
9/30/38	GIRL'S SCHOOL YOU CAN'T TAKE IT WITH YOU MAN WITH 100 FACES VACATION FROM LOVE SONS OF THE LEGION ROOM SERVICE OVERLAND STAGE RAIDERS DOWN IN ARKANSAS STRAIGHT, PLACE AND SHOW DRUMS YOUTH TAKES FLING GARDEN OF THE MOON	Samuel Marx Frank Capra A. Hitchcock MGM P. S. Berman Armand Schaefer D. Hempstead Alex. Korda Joe Pasternak Lou Edelman	Col GB MGM MGM RKO Rep 20th UA U WB	Rom-Com Comedy Drama Comedy Rom-Dr Com Western Rep Com Drama Com-Dr Musical	A. Shirley-L. Grey-Bellamy J. Arthur-L. Barrymore-J. Stewart L. Falson-F. Walls D. O'Keefe-F. Rice D. O'Connor-E. Lee-E. Cook Marx Bros.-L. Ball Three Mesquiteros E. Byrd-Weaver Bros. Ritz Bros.-R. Arlen Sabu-R. Massey-R. Livesey J. McCrea-A. Leeds P. O'Brien-J. Payne-M. Lindsay	John Brahm Frank Capra A. Hitchcock G. Fitzmaurice Jas. Hogan Wm. Seiter Geo. Sherman Nick Grinde David Butler Zoltan Korda Archie Mayo Busby Berkeley	71 126 72 66 76 53 65 101 78 94	9/28 9/7 11/2 10/5 10/5 9/14 9/28 10/12 9/28 9/28 9/21
10/7/38	CRIME TAKES HOLIDAY WEST OF THE SANTA FE STABLEMATES MR. WONG, DETECTIVE TOUCHDOWN, ARMY MR. DOODLE DIES OFF THE NIGHT HAWK MEET THE GIRLS THAT CERTAIN AGE BROADWAY MUSKETEERS	Col Col Harry Raft W. T. Lackey Par Bob Sisk Herman Schlom Howard J. Green Joe Pasternak Bryan Foy	Col Col MGM Mono Par RKO Rep 20th U WB	Meller Com Com-Dr Mystery Football Com Drama Comedy Mus-Rom Comedy	J. Holt-M. Ralston C. Starrett-L. Mercedith W. Beery-M. Rooney B. Karloff-E. Brent J. Howard-R. Cummings J. Fenner-J. Travis B. Livingston-J. Travis J. Lang-L. Bari-L. Allen D. Durbin-J. Cooper M. Lindsay-M. Wilson-J. Little	Lewis D. Collins Sam Nelson Wm. Nigh Kurt Neumann Leslie Goodwins Sidney Salkow Eugene Forde Edw. Ludwig John Farrow	61 89 67 73 73 65 100 63	11/30 10/5 11/23 9/21 10/5 10/5 9/31 10/5 10/19
10/14/38	FLIGHT TO FAME LADY VAMPIRE SHADOWS OVER SHANGHAI YOUNG DR. WILDARE WHERE THE BUFFALO ROAM ARKANSAS TRAVELER A MAN TO REMEMBER FIVE OF A KIND THERE GOES MY HEART SWING THAT CHEER THE SISTERS	Ralph Cohn A. Hitchcock Fine Arts Lou Ostrow Ed Finney Geo. Arthur Bob Sisk K. MacGowan Hal Roach Max Golden David Lewis	Col GB GN MGM Mono Par RKO 20th UA WB	Drama Rom-Dr Drama Com-Dr Western Com-Dr Rom-Com Rom-Com College Drama	C. Farrell-J. Wells M. Lockwood-P. Lucas J. Dunn-R. Morgan L. Ayres-L. Barrymore Tex Ritter B. Burns-F. Bainter E. Ellis-A. Shirley Dionne Quins-Hersholt F. March-V. Bruce T. Brown-A. Devine E. Flynn-B. Davis-A. Louise	C.C. Coleman, Jr. Alf Hitchcock Chas. Lamont H. Bucquet Al Herman Al Santell Garson Kanin H. L. Lewis Norman McLeod Harold Schuster Anatole Litvak	98 66 83 83 83 78 83 81 63 95	8/31 12/7 10/19 11/2 10/5 10/5 10/12 9/28 11/16 10/5
10/21/38	LISTEN, DARLING MYSTERIOUS RIDER MAD MISS MANTON MYSTERIOUS MR. MOTO SERVICE DE LUXE GIRLS ON PROBATION	Jack Cummings Harry Sherman P. J. Wolfson Sol Wurtzel Ed Grainger Bryan Foy	MGM Par RKO 20th U WB	Rom-Dr Western Mys-Com Meller Com Drama	Bartholomew-J. Garland P. Dumbar-H. Faidis B. Stanwyck-H. Fonda P. Lorre-M. Maguire C. Bennett-V. Price-Ruggles E. Flynn-B. Davis-A. Louise	Edw. Marin Les Seler Leigh Jason Norman Foster Rowland V. Lee Anatole Litvak	72 74 78 61 83 65	10/19 11/16 10/19 9/21 10/19 10/28
10/28/38	LAW OF THE TEXAN THE LITTLE ADVANCE THE GREAT WALTZ THE CITADEL MEN WITH WINGS I STAND ACCUSED TARNISHED ANGEL SUEZ YOUNG IN HEART THE STORM THE LAST EXPRESS BROTHER RAT	Monroe Shaft Col Bernard Hyman Victor Saville Wm. A. Wellman John H. Auer E. P. Fineman Gene Markey D. O. Selznick Ken Goldsmith Irving Starr Robert Lord	Col Col MGM MGM Par Par RKO 20th UA U WB	Western Action-Dr Musical Drama Drama Drama Drama Spec Rom-Dr Drama Drama Comedy	Buck Jones-D. Fay D. F. Feltow-J. Wells L. Rainer-F. Gravet E. Donat-E. Russell F. MacMurray-E. Milland R. Cummings-H. Mack-L. Talbot S. Ellers-L. Bowman T. Power-L. Young J. Gaynor-D. Fairbanks, Jr. C. Bickford-B. McLane O. Taylor-D. Kent W. Morris-F. Lane-L. Wyman	Elmer Clifton D. J. Feltow-J. Wells J. Duvivier King Vidor Wm. A. Wellman John H. Auer Leslie Goodwins Allan Dwan Richard Wallace Harold Young Otis Garret Wm. Keighley	54 89 107 112 102 61 100 91 73 69 73	10/26 11/9 11/2 10/26 10/26 11/2 10/19 10/19 11/2 11/2 10/19
11/4/38	IN EARLY ARIZONA GANGSTER'S BOY GUN PACKER THE LAST RIDE ILLEGAL TRAFFIC LAWLESS VALLEY RHYTHM OF THE SADDLE ALWAYS IN TROUBLE U EXPOSED HARD TO GET	Col W. T. Lackey Robt. Tansey Jeff Lazarus Harold Hurley Bert Gilroy Harry Grey John Stone Bert Kelly Sam Bischoff	Col Mono Mono Par Par RKO Rep 20th U WB	Western Meller Western Rom-Dr Par Western Western Comedy Drama Comedy	E. Elliott-D. Gulliver J. Cooper-L. Gilman J. Randall-L. Stanley A. Tamiroff-F. Farmer J. C. Naish-M. King G. O'Brien-K. Sutton G. Aubrey-S. Burnett J. Withers-A. Treacher-J. Rogers O. Kruger-G. Farrell D. Powell-O. Harbo	Wm. Leverage Wm. Nigh Wallace Fox Alfred E. Green Leigh Jason David Howard Geo. Sherman Jos. Santley Earl Taggart Michael Curtiz	75 51 67 58 69 73 73	11/9 11/9 11/23 11/9 11/9 11/23 11/9
11/11/38	ADVENTURE IN SAHARA THE FROG SPRING MADNESS IF I WERE KING ANNABEL TAKES A TOUR STORM OVER SAGAL JUST AROUND THE CORNER HIS EXCITING NIGHT TORCHY GETS HER MAN	Lou Appleton Herbert Wilcox Edw. Chodoroff Frank Lloyd Roy Lundy Armand Schaefer Dave Hempstead Ken Goldsmith Bryan Foy	Col GB MGM Par RKO Rep 20th U WB	Drama Meller Rom-Com Rom-Com Rom-Dr Rom-Com Comedy Rom-Com Comedy	J. Kelly-L. Gray N. Beery-G. Harker M. O'Sullivan-L. Ayres R. Coleman-F. Dee-Rathbone J. Oakie-L. Ball F. Knowles-K. Hudson S. Temple-C. Farrell C. Ruggles-O. Munson G. Farrell-B. MacLane	D. R. Lederman Jack Raymond C. S. Simon Frank Lloyd Lew Landers Sid Salkow Irving Cummings Gus Meins Michael Curtiz	75 66 108 66 65 70 61 62	4/7/37 11/16 9/21 10/26 10/26 11/2 11/2 10/12
11/18/38	THE SHINING HOUR GANG BULLETS THANKS FOR THE MEMORY LAW WEST OF BOMBSTONE SANTA FE STAMPEDE SHARPSHOOTERS COWBOY AND THE LADY STRANGE FACES ANGELS WITH DIRTY FACES	J. Manckiewicz E. B. Derr Par Cliff Reid Wm. Berke Sol Wurtzel Sam Goldwyn Bert Kelly Sam Bischoff	MGM Mono Par RKO Rep 20th UA U WB	Meller Rom-Com Rom-Com Western Rep Action Rom-Com Com-Dr Drama	J. Crawford-R. Young A. Nagel-R. Kent B. Hope-S. Ross-Butterworth H. Reid J. Wayne-E. Corrigan B. Donlevy-L. Bari G. Cooper-M. Oberon D. Kent-F. Jenks J. Cagney-F. O'Brien	Frank Borzage Lambert Hillyer G. Archinbald H. Reid Geo. Sherman Jos. Tintling Wm. Wyler Earl Taggart Michael Curtiz	75 75 72 66 63 81 97	11/16 11/9 11/30 11/30 9/21 11/9 11/9 10/26
11/25/38	BLONDIE OUT WEST WITH HARDYS LITTLE TENDERLOIN SAY IT IN FRENCH ARREST BULLDOG DRUMMOND COME ON, RANGERS ORPHANS OF THE STREET PECK'S BAD BOY WITH CIRCUS SUBMARINE PATROL LITTLE TOUGH GUYS IN SOCIETY NANCY DREW, DETECTIVE	Robert Sparks Lou Ostrow Ed Finney Andrew Stone Stuart Walker Chas. E. Ford Herman Schlom Sol Lesser Gene Markey Max Golden Bryan Foy	Col MGM Mono Par Par Rep Rep 20th U WB	Comedy Com-Rom Western Western Mystery Western Meller Rom-Com Drama Meller Meller	F. Singleton-A. Lake M. Rooney-L. Stone-C. Parker L. Ritter-L. Falkenberg E. Milland-O. Bradna J. Howard-H. Angel R. Rogers-M. Hart T. Ryan-R. Livingston T. Kelly-L. Brooks E. Greene-N. Kelly-Bancroft M. Boland-E. Horton B. Granville-J. Little	Frank Strayer G. B. Seitz Al Herman Andrew Stone Jas. Hogan Joe Kane John H. Auer Edw. F. Cline John Ford Erle Kenton Wm. Clemens	69 84 70 60 59 68 95 76 67	11/2 11/23 10/30 10/26 11/23 11/2 11/2 11/23 12/7
12/3/38	FLIRTING WITH FATE LITTLE ORPHAN ANNIE WESTERN JAMBOREE ROAD DEMON SECRETS OF A NURSE DEVIL'S ISLAND	David Loew John Speaks Harry Grey Sol Wurtzel Bert Kelly Bryan Foy	MGM Par Rep 20th U WB	Comedy Comedy Western Sports Drama Meller	J. E. Brown-L. Carrillo-S. Duna A. Gillis-R. Kent-J. Travis G. Aubrey-S. Burnett H. Arthur-J. Valerie E. Lowe-H. Mack B. Karloff-N. Harrigan	F. MacDonald Ben Holmes Ralph Staub Otto Brower Arthur Lubin Wm. Clemens	70 57 68	11/30 11/16
12/10/38	RIO GRANDE ROUNDUP - DRAMATIC SCHOOL I AM A CRIMINAL RIDE A CROOKED MILE NEXT TIME I MARRY UP THE RIVER LAST WARNING HEART OF THE NORTH	Irving Briskin Mervyn LaRooy E. B. Derr Jeff Lazarus Cliff Reid Sol Wurtzel Irving Starr Bryan Foy	Col MGM Mono Par RKO 20th U WB	Western Meller Meller Rom-Dr Comedy Comedy Mystery Meller	C. Starrett-A. Doran L. Rainer-A. Marshall J. Carroll-M. Koran A. Tamiroff-F. Farmer L. Ball-J. Ellison-L. Bowman T. Martin-F. Brooks F. Foster-F. Robinson D. Foran-G. Page	Sam Nelson R. Sinclair Wm. Nigh Alfred E. Green Garson Kanin Alfred Werker Al Roze Lewis Seiler	78 70 70 71 75 62	12/7 12/7 12/7 11/9 11/9 12/7
12/16/38	STRANGE CASE OF DR. MEAD CALIFORNIA FRONTIER A CHRISTMAS CAROL THE FRONTIERSMEN DOWN ON THE FARM PIRATES OF THE SKY COMET OVER BROADWAY	Col Monroe Shaft Joe Manckiewicz Harry Sherman Sol Wurtzel B. Sarecky Bryan Foy	Col Col M-G Par 20th RKO WB	Drama Western Rom-Fan Western Comedy RKO Drama	J. Holt-R. Roberts-V. Beery B. Jones-C. Bailey E. Owen-T. Kilburn W. Boyd-G. Hayes-E. Venable J. Froust-S. Byington E. Taylor-B. Hudson K. Francis-L. Little	Lewis D. Collins Elmer Clifton E. L. Marin Les Seler Mal St. Clair Joe McDonough Busby Berkeley	70 57	11/30
12/23/38	THERE'S THAT WOMAN AGAIN AWAKENING OF KATHINA TOUGH KID WILD HORSE CANYON ONE-THIRD OF A NATION TOM SAWYER, DETECTIVE THANKS FOR EVERYTHING TRADE WINDS NEWSBOYS' HOME THE DAWN PATROL	B. B. Kahane Harry Raft Lindsley Parsons Robt. Tansey Harold Orlob E. T. Lowe H. J. Brown Walter Wanser Ken Goldsmith Robert Lord	Col M-G Mono Mono Par Par 20th UA U WB	Rom-Dr Drama Meller Western Drama Rom-Dr Musical Rom-Dr Drama Drama	M. Douglas-V. Bruce F. Gail-Tone-W. Connolly F. Darro-J. Allen Jack Randall S. Sidney-L. Erickson D. O'Connor-E. Cook A. Menjou-J. Oakie F. March-J. Bennett J. Cooper-W. Barrie E. Flynn-B. Kathbone	Al Hall Norman Taurog H. Bretherton Robert Hill Dudley Murphy Louis King Wm. A. Seiter Tay Garnett Harold Young Edm'd Goulding	70 70 66 63 75 62	11/30 12/7 12/7 11/9 11/9 12/7
12/30/38	SMASHING THE SPY RING CLIMBING HIGH SWEETHEARTS SKY PIRATE ARTISTS AND MODELS ABROAD THE GREAT MAN VOTES KENTUCKY DUKE OF WEST POINT	Irving Briskin GB Hunt Stromberg Paul Mervin A. Hornblow, Jr. Cliff Reid Gene Markey Edw. Small	Col M-G M-G Mono Par RKO 20th UA	Meller Comedy Musical Action Musical Comedy Rom-Dr Rom-Com	F. Wray-R. Bellamy J. Mathews-M. Redgrave J. MacDonald-N. Eddy T. Trent-M. Reynolds J. Bonny-J. Bennett J. Barrymore-F. Holden L. Young-R. Greene L. Hayward-J. Fontaine	Christy Cabanne Carol Reed S. Van Dyke Paul Malvern Mitchell Leisen Garson Kanin David Butler Al Green	70 70 70 70 70 70 70 70	12/7 12/7 12/7 12/7 12/7 12/7 12/7 12/7

NBC's 1938 Billings, \$41,780,000; Estimate \$27,340,000 for CBS

NBC's income from sales last month not only established an all-time high for the network but showed the red (WEAF) link leading Columbia to a record margin. Of the \$3,809,915 gathered by NBC the red accounted for \$2,949,850 and the blue (WJZ) for \$950,065. CBS' gross for November was \$2,453,410.

For NBC the total was 15.3% better than it had been for November, 1937. In the case of Columbia it was a drop of 7.6%. On the first 11 months NBC is ahead of '37 by 7.3% while CBS is 4.3% behind. NBC's indicated gross for 1938 is \$41,780,000 and Columbia's, \$27,340,000. NBC gross in 1937 was \$38,651,286, while the count for CBS was \$28,722,118. NBC will on the year be up by 8% and CBS down by 5%.

In November of last year NBC's billings were \$3,381,346 as compared with \$3,468,728 for '36 and \$2,655,100 for '35. Columbia's gross revenue for last November was \$2,654,473. It was \$2,429,917 for the previous November, while in '35 the billings figured \$1,722,590.

500 CHECK IN AT EDUCATION MEET

Chicago, Dec. 6.

Three-day Radio Education Council meeting under the leadership of Harold Kent, radio chief of the Chicago Board of Education, brought to town some 500 people associated with radio in education for the biggest gathering ever held by the Council. Purpose of the meeting, held over the week-end, was to demonstrate the advances made in the use of radio in general education and to show newcomers in the field the whys and wherefores of radio instruction.

Among the speakers at the assemblies, in addition to leader Kent, were Sterling Fisher, head of education for the Columbia web, Bill Boutwell, head of Federal project for radio education and Tom Rishworth, education chief for KSTP, Minneapolis-St. Paul.

Highlight of the conference was the first program of the American School of the Air ever to originate outside of New York. Columbia did the show right in the conference rooms and piped it to the network from the Morrison hotel. Another angle brought out at the conference was the use of radio discs in education.

St. Paul's Roundtable Idea

St. Paul, Dec. 6. Seeking a way to jar into action the indifferent listener on education, KSTP has formulated a round-table program in which the apathetic dial-twirler goes on the pan.

'Listener,' who will represent a different group each week, will go into an unrehearsed huddle with Thomas D. Rishworth, KSTP's educational director, and Corinne Jordan, program director, who will show, through the listener, how many good educational and informative programs the listener may have missed during the week just past. By focusing attention on past performance in that field, station also has a vehicle for pointing out forthcoming programs in the educational field for the coming week.

Info thus handed out won't be confined to school broadcasts, but the ample scope will include Metropolitan Opera stanzas, important addresses, timely broadcasts and the like.

Recorded Basketball

Indianapolis, Dec. 6.

WIRE of Indianapolis will carry transcribed home basketball games of Indiana University this winter. University will use their own Fairchild recording machines in cutting the discs for the station.

Series proved popular last year. Basketball scores of teams throughout the state and nation will be broadcast by WIRE every Friday night during a 15-minute airing which is sponsored by General Foods.

Like Their Radio

Pasadena, Dec. 6.

In poll conducted by Pasadena Independent, its radio column was voted the most popular feature in the sheet. Others finished far in the rear.

City Fights Council Right to Guinea Pig Municipal Station

Attempt of New York City and WNYC, publicly owned transmitter, to stymie an investigation by a special committee of the City Council will be carried to the Court of Appeals. Two lower courts had previously ruled that Morris Novik, director of the station, was subject to a Council subpoena. Trouble started in a National Travel Club program, on which, it is charged, communistic propaganda was spread. Club has been a daily program of the station for year and a half.

City's interest in stymieing the investigation and backing WNYC officials is its claim that the Council hasn't the authority to investigate City departments. Say that the WNYC case is merely a guinea pig, which if won by the Council will give them the right to probe other departments, with the relief setup heading the list.

BOB JENNINGS IS PROMOTED

Chicago, Dec. 6.

Robert Jennings, formerly with WLW as asst. general manager, becomes head of the H. W. Kaster agency radio department here forthwith.

M. H. Peterson, his predecessor, will rest prior to a return to New York. He was last with Mutual.

HARTFORD SPIELERS SEEK SOCIAL CLUB

Hartford, Dec. 6.

Formation of an announcers club, the first such in this state, will be undertaken soon. Known for a long time that local announcers desired some way of meeting each other and discussing mutual problems. At present there are some 20 announcers in the city with only a few acquainted with each other, meeting mostly on assignments. Spielers will be increased when WNBC of New Britain opens its Hartford studios soon.

Plans for the formation of such an organization were discussed recently by Bob Martineau, WHTT, and Ray Barrett, WDRC, representing the announcers at their respective stations. Club, it was explained, will be purely of a social nature. Will also be a forum where mikemans will have the opportunity of airing their gripes and seeking a solution.

JAMES COX JOINS WKY

Lincoln, Dec. 6.

James E. Cox, formerly head of the continuity department of KFAB-KFOR, has gone to WKY, Oklahoma City, being desked there (4). Who will take his place here is yet to be decided. Along with Margie Thomas and Mrs. Gretchen Lee are at present handling his job, in addition to their own.

Joe di Natale, formerly on KFAB-KFOR's promotions staff, has joined the sales force of KGNE, North Platte. First day was Friday (2).

FEDS BACK ON WEVD

Radio Division of the Federal Theatre returns to the first station which aired any of its productions Dec. 8 when it starts a full hour program on WEVD, N. Y.

Initiator will be 'Attars of Steel,' adapted for radio by Victor Smith.

Preentious Suds Show From Buffalo Ballroom

Buffalo, Dec. 6.

That rarity here, a remote commercial with an audience gets under way tonight (6) when 'International House,' a variety show, moves into Hotel Lafayette ballroom. 'House,' a WGR presentation, is sponsored by Labatt's beer, a Toronto brew. Talent lineup includes Clinton Buchanan as master of ceremonies, the Le Brun Sisters, Three Treys, Elvera Ruppel, John Sturgess and an orchestra bated by David Cheskin. Lord & Thomas is the agency.

Another weekly audience show (but a sustainer) got under way Saturday (6) for its second season. It's Buffalo's Town Meeting of the Air, a frank localization of the NBC model. Ben H. Darrow, WBEN-WEER educational director and former head of the Ohio School of the Air, supervises. Broadcast goes over WEER from Shea's Court Street theatre.

EUROPEAN SPY VILLAIN OF NEW SERIAL

Detroit, Dec. 6.

With one new drama hitting ozone and two others in hopper, WXYZ is beehive of activity currently as station's new scripting department goes into high gear. Writing staff now includes seven persons, under supervision of Fran Striker and Charles Livingstone. They are Tom Dougall, Howard Bull, Paul Sutton, Gibson Fox and Dick Osgood.

'Secret Agent' is tag of the new mystery serial which fills out the weekly 7:30 p.m. slot, being heard at that hour Saturdays. 'Tone Ranger' serial is aired at that time Monday, Wednesday and Friday, while 'Green Hornet' fills in on Tuesday and Thursday.

New WXYZ-produced serial, following closely on the heels of current topic, deals with one man's crusade against subversive activities of foreign spies in American business, industry and government. Currently going out over WXYZ and Michigan network, with expansion planned as kinks are ironed out. Will be produced by WXYZ Players, under direction of Charles Livingstone.

'Ranger's' 107 Stations. Station now carrying WXYZ's western drama serial, 'Tone Ranger,' now total 107 in U. S., Australia and Hawaii. All but 15 of outlets carry half-hour drama as commercial three times weekly. Breakdown shows live show is being aired by WXYZ, Detroit; WSPD, Toledo; eleven stations of Mutual and 17 outlets of Don Lee Co. Co.

Sponsored disc shows being broadcast by indie stations total 62, including outlets in Australia and Honolulu. Unsponsored broadcasts are being carried by three stations of WXYZ's Michigan web, four stations of Don Lee system, five outlets of Yankee network, and three stations of Mutual web.

WXYZ's other serial, 'Green Hornet,' goes out over 37 stations currently, all in the U. S. and all live. No arrangements have yet been made for transcriptions of half-hour mystery serial, heard twice weekly on alternate nights of 'Ranger' airings.

Changes at KMBC

Kansas City, Dec. 6.

Fred Edwards, announcer, left the staff of KMBC, effective Dec. 4. He leaves for free lancing work after several months of both announcing and production work here.

New member of the staff is Bert Lane, who picks up where Edwards left off with both announcing and production duties. Lane has been in radio in K. C. about five years, as he was formerly connected with KMBC, with KCMO as production manager, and more recently with KVOO out of town.

Ray Laughlin, violinist and arranger of the Midland Melodeers, has left KMBC to join Herbie Holmes' orchestra in Texas. Holmes' crew is scheduled for the Edgewater Beach, beginning New Year's Eve. Dave Courtney, local violinist, fills vacated spot with the Melodeers.

Chain Income from Time Sales

NBC

	1938	1937	1936	1935
January	\$3,793,516	\$3,541,990	\$2,661,015	\$2,895,037
February	3,498,053	3,205,782	2,714,300	2,756,319
March	3,806,831	3,614,283	3,037,873	3,025,308
April	3,310,505	3,277,837	2,741,928	2,682,143
May	3,442,280	3,214,819	2,561,720	2,685,211
June	3,200,569	3,003,287	2,323,456	2,380,845
July	2,958,710	2,707,450	2,429,983	2,208,935
August	2,941,099	2,784,977	2,422,431	2,021,365
September	2,876,241	2,886,637	2,163,317	2,163,317
October	3,773,964	3,339,739	3,696,489	2,776,557
November	3,899,915	3,381,346	3,468,728	2,655,100
Total	\$37,604,683	\$35,012,100	\$30,985,360	\$28,255,137

CBS

	1938	1937	1936	1935
January	\$2,870,945	\$2,378,620	\$1,901,023	\$1,769,949
February	2,680,835	2,264,317	1,909,146	1,654,461
March	3,034,317	2,559,716	2,172,382	1,820,553
April	2,424,180	2,563,478	1,950,939	1,615,389
May	2,442,283	2,560,558	1,749,517	1,287,455
June	2,121,495	2,476,587	1,502,768	1,066,729
July	1,367,357	1,988,412	1,267,765	910,470
August	1,423,665	1,955,280	1,323,588	979,019
September	1,602,105	2,026,585	1,836,932	1,086,900
October	2,387,385	2,566,485	2,429,917	1,722,590
November	2,453,410	2,654,473	2,429,917	1,722,590
Total	\$24,816,337	\$26,935,491	\$20,409,904	\$15,634,905

MUTUAL

	1938	1937
January	\$269,894	\$213,748
February	253,250	233,286
March	240,637	247,431
April	189,545	200,134
May	194,201	154,633
June	202,412	117,388
July	162,105	101,457
August	164,626	96,620
September	200,342	132,666
October	347,770	238,683
November	360,929	258,357
Total	\$2,580,714	\$1,894,612

Boone County Jamboree Into Huge Auditorium

Cincinnati, Dec. 6.

Starting next week WLW will transfer its Friday night Boone County Jamboree audience show from Emery auditorium to Music Hall, which doubles the Emery's 2,200-seat capacity. George C. Biggar, WLW rural program supervisor, made change.

Aired portions of the show have been sponsored by the Vick Chemical Co. and International Harvester. Latter will be replaced this week by Brown & Williamson's Bugler Tobacco.

The 62-people troupe has been divided into three units for road engagements during the off-air time.

Detroit Ban Sticks

Detroit, Dec. 6.

With the initial three-month trial period past, local radio is still adamant in their stand on radio columns, program reviews, etc., which were dropped from all three prints last August. Although there's no indication that ban will be lifted in near future, all three papers are still keeping intact their previous radio staffs, although the three radio editors are at present confining their major activities to other fields.

Reader protests were plentiful and vehement shortly after radio staff was dropped, but naturally has simmered down of late. There's been no increase in radio advertising in papers' columns, publishers' hopes notwithstanding, and both sides seem content to let things as they are for the time being, at least.

TRAMEL'S OMAHA TALK

Omaha, Dec. 6.

Niles Trammel, recently named executive vice-president of NBC, will address the Omaha Advertising Club on Dec. 13. More than 200 local sponsors and advertisers will be guests of Stations WOW, KOIL and WAAX at the ad club dinner.

Affair to be handled by Howard Peterson, WOW sales director; Frank Pellegrini, KOIL sales manager, and Jim Acuff, of WAAX.

Hammond Off Sealest

Lawrence Hammond has withdrawn as director of the Sealest program over NBC red for the Henry Souvaine agency. He was the first one to direct the show.

Allan Merritt Fishburn succeeds Hammond. He's a legit director from the Yale drama factory.

FRISCO FAIR'S FT RADIO BUILDUP

San Francisco's 1939 World Fair will take a page from the Federal Theatre and present, in Living Newspaper style, dramatizations of ancient news contemporary with the week presented. Will be coupled with current news as is done on the FT Radio Division's 'This Was News' program in New York on which the idea is based. Later is a weekly, half-hour show on WINS, N. Y.

Frisko FTED project players will enact the dramatizations.

WIP on 24-Hour Sked

Philadelphia, Dec. 6.

WIP yesterday began airing on a 24-hour-a-day schedule. Only outlet in Philly and one of the few in the country operating throughout the night. New six-hour block, from 1 a.m. to 7 a.m., former closing and opening hours, has been tagged 'Dawn Patrol.' It is being offered for sale in any size chunks.

'Time is filled in similar chunks to Stan Shaw's 'Milkman's Matinee' on WNEW. There are recordings, news, reports on highway conditions, weather and small talk by John Franklin, who'll handle the vigil.

Station will be off the air only from 1 to 7 a.m. on Mondays, necessary for routine inspection of equipment and tests.

Betty Mary Smith Resigns

Kansas City, Dec. 6.

Betty Mary Smith, newscaster and sports reporter, left staff of KMBC Dec. 1 with matrimony the object. She's daughter of town mayor, Bryce Smith, but was known to local radio fans as 'Mary Corbin.' She formerly has connected with B. D. & O. in New York where she took part in 'March of Time' and 'Phenomena' broadcasts. Groom is Robert Emmett Northcutt, easterner.

Margaret Heckle, special events reporter, moves into spots vacated by Miss Smith on news broadcasts and on Jack Starr's 'Olympics of the Air.'

AFRA PIQUED BY ADMEN

FRED H. BROWN 'GUESSED' FOR FCC JOB

Washington, Dec. 6. Dark horse entry in the FCC Chairmanship Sweepstakes received attention in political circles last week. Winter book guessers shortened the odds on Senator Fred H. Brown of New Hampshire, picked for a second term last month, and a reliable applauder for President Roosevelt's program.

Possibility the Granite State lawyer may be picked to lead the Commish out of the wilderness was considered strong because Brown has a background of regulatory experience and shares the Chief Executive's opinions about public utilities. During the past six years he has gone down the line for the New Deal, being most enthusiastic about the moves to exploit hydro-electric resources and subject the power industry to stringent Federal supervision.

While other names have been mentioned in political quarters, speculators decided Brown has an advantage—in the event he is interested in the job—because he served nine years on the New Hampshire utilities commission, besides being U. S. District Attorney throughout the Wilson Administration. Other names heard of often in conjectural conversations are three lame ducks in the House, members who were dumped in primary elections—Representatives Otha D. Wearin of Iowa, William D. McFarlane of Texas, and David J. Lewis of Maryland.

SLIGHT GIGGLE

Darrell Donnell, Aloo Editor, Now a Press Agent

San Francisco, Dec. 6. It's Darrell Donnell, the press agent, at last. The former radio editor of the Examiner, who used to dodge press agents and reject practically all invitations to luncheons, dinner and cocktail parties, left for Hollywood last night the back of Charles Vanda, western division program chief for CBS, to handle advance publicity for new CBS program to be bankrolled by Wrigley.

Donnell will go on the road in advance of talent scouts who will seek material for the show, 'Gateway to Hollywood.' He resigned from the KFRD newscasting staff to take the job.

Russ Morgan Completes

2-Yr. Run for Morris

Philip Morris Co. and Russ Morgan will call it quits at the end of January. Milton Biow agency is submitting three or four substitute bands for the two network half-hours that the account divides between NBC and Columbia, and indications are that a decision will be made by the end of next week.

Morgan has held the assignment for over two years.

Engels on Leave

Lenox R. Lohr has urged George Engels, vice-president of the NBC Artists Bureau, to take a good long rest. Engels is likely to leave immediately and be gone at least two months. He was operated upon early in 1938 and never had a chance to build up strength.

Lohr states there is no thought of Engels resigning from the NBC staff.

Phil Baker's Clauses

Phil Baker will pick the cast, writers and band for his Hawaiian Pineapple Co. show when he gets back to New York next week. Stanzas start Jan. 7 on CBS in the Saturday 9 to 9:30 spot.

It is a package sale with the William Morris office and Lyons & Lyons splitting the commission.

Add: Press Agents

From the morning mail comes this mimeographed colossal:

'In recognition of his services on behalf of enlightened humanity, a move has been instituted to nominate John J. Anthony, mentor of the WOR-Mutual Good Will Hour for a Nobel Peace award.'

Committee is headed by Harry Davis, philanthropist.

WSAI DIVORCE IS STRESSED

Cincinnati, Dec. 6.

Separation of the business and talent staffs of Crosley's WLW and WSAI stations is scheduled to get under way in earnest next week. James D. Shouse, general manager of both stations, started the divorcement a couple of months since by appointing International Radio Sales as the WSAI advertising representative, succeeding Transamerican. Later organization was doubling as rep for both stations and continues to serve WLW.

Dewey H. Long, WSAI manager, will have his own corps of newsmen and announcers, a separate publicity force and other divisions entirely segregated from WLW. Too, he will have first call on 'certain musical units and dramatic people that have been doubling on the two stations.

Jane Froman Submitted

For Lucky Strike Show

Jane Froman has been submitted for the Lucky Strike show on NBC Wednesday nights.

Lanny Ross is in the cig's CBS Saturday spot, with the deal on a 52-week basis but involving an understanding that the singer will gracefully retire if a change in program

POLITELY VAGUE TALKS ANNOY

Mrs. Holt Going West for Tactics Huddle—Actors' Union First Needs War Chest Before Going into Battle

STRIKE?

Active campaign to obtain agency recognition and agreements covering commercial programs is in final stages of preparation by the American Federation of Radio Artists. As a step in the scheme, Mrs. Emily Holt, executive-secretary, is building up 'war chest' by borrowing additional funds from affiliate groups in the Associated Actors and Artists of America. She also plans a trip 'out of town' this weekend, presumably to the Coast.

AFRA received a loan of \$5,500 from Actors Equity last week, with an assurance of support 'to the limit' in its battle with the agencies. Amount was in addition to the previous sum (said to be around \$15,000) advanced by Equity to finance the AFRA organizational campaign. Screen Actors Guild and the American Guild of Musical Artists, each of whom likewise put up more than \$10,000 as a starting treasury for AFRA, will also be asked to provide further coin for the 'war chest'.

Mrs. Holt will put the bite on Kenneth Thomson, SAG executive-secretary, during his current stay in New York. Although Thomson hasn't authority to pledge such a loan, he will undoubtedly carry the request to the SAG board. (Continued on page 34)

Commentary

Indianapolis, Dec. 6. WIRE, local NBC outlet, received more than 50 fan mail letters for the 'Arnold Grimms Daughter' program, which is aired by General Mills. Letters should have been sent to Minneapolis instead of Indianapolis.

FULTON LEWIS WANTS AN IN

Washington, Dec. 6.

Another tiff between the press and radio will come to a head early next year when the Standing Committee of Newspaper Correspondents who run the press galleries at the U. S. Capitol are confronted with request for admission from a microphone commentator. In the past radio has been cold-shouldered, largely because of publisher pressure on the writers who pass on eligibility of persons seeking to use the gallery facilities.

Determined to force the issue, Fulton Lewis, Jr., former veteran writer for Hearst, who now spels via Mutual, is readying a formal application. Most recent similar incident, which resulted in a turn-down, occurred when Trans-Radio opened a Washington bureau. Lewis maintains he is entitled to admission because he gathers his own news and will demand creation of a special gallery for radio news collectors if he is nixed by former pals.

Peter Lorre's 'Mr. Moto'

Put Up for Sponsorship

Radio rights to screen's 'Mr. Moto' are being peddled around by the William Morris office for 20th Century-Fox. Office has sample disc. Asking price is \$4,500 per program and would include services of Peter Lorre.

DEUTSCH HAS PHONOGRAPH IDEAS

Percy Deutsch, head of the World Broadcasting System is reported considering a proposition to extend his operations to include the phonograph record field. Any move in that direction would not be made until next spring.

Deutsch, it is said, wants to get his latest project, World Transcriptions, Inc., which includes the Gold Network, on an established basis before undertaking the phonograph record idea. Figures that his present recording organization should fit in easily with the requirements of the phonograph record business, which has been staging an extraordinary comeback for the past two or three years.

World's Gratis Xmas Wax in 2 Stanzas

World Broadcasting is currently preparing its annual Christmas program which it presents gratis to all radio stations taking its service. Program director Charles Gaines this year has done the holiday program in two sections, one a playlet, 'Christmas Comes to Timmy' by Marjorie Bartlett and Ruthraut & Ryan with 10-year-old Kingsley Colton as lead. Second is musical.

Moravian trombone choir of 18 plus the Beethoven Maennerchor of 75 voices journeyed to New York last week from Bethlehem, Pa., accompanied by their bishop. Bethlehem is centre of Moravian sect and plugs itself as the 'Christmas City of America.'

Reggie Scheubel Back; Checked at Hospital

Reggie Scheubel, manager of the Milton Biow agency's radio department, was discharged from Mt. Sinai hospital, N. Y., last Sunday (4) after a week's observation. She will be back on the job this Monday (12).

Miss Scheubel became indisposed during the previous weekend and the suggestion of her physician she entered the hospital for a thorough checking.

NBC Frisco Staff Cuts

San Francisco, Dec. 6. Program changes at KPO and KGO, local NBC, have resulted in the dropping of several staff artists and commentators, including Sharon Merrill, charm expert; Dorothy Mackenzie, commentator; Corman Cox, the 'Kindly Philosopher,' and Earl Teasdale's cowboy entertainers. All were heard over Coast NBC webs.

Schedules for Dr. Laurence L. Cross, commentator, have been cut from three to two quarter-hours weekly and for the 'Jingletown Gazette,' with John Wolfe and Clarence Hayes, from five to three quarter-hours. 'Who's in Town Tonight' interview program conducted by Wolfe and Janet Baird from the lobby of the Hotel St. Francis once a week, has been dropped by KPO.

Warm Up Jack Pearl

Chicago, Dec. 5. William Stuhler, of the Lyons & Lyons office, was in town last week with Jack Pearl as his article of sale. Reported that one of the objectives was Avalon cigarets (Brown & Williamson), handled by the Russell M. Seeds agency.

Pearl's last air connection was a B&W show with Tommy Dorsey.

GOLDEN WEB ADDS KTRH

World Broadcasting has signed station KTRH, Houston, to its Golden network.

List now totals over 50 stations.

THIRD OF A CENTURY ANNIVERSARY NUMBER

of

VARIETY

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FCC MOVING TOWARD POWER BOOSTS THROUGHOUT BROADCASTING INDUSTRY

Washington Believes KRLD and WCKY Grants Are Significant—Would Appease Industry Pressure for Super-Power

Washington, Dec. 6. Informal reclassification of stations, anticipating approval of the engineering report ventilated at prolonged hearings last summer, is seen in progress. Several recent FCC actions indicate a trend toward lifting power limitations in anticipation of the eventual reshuffling when the Havana agreement covering North American countries is ratified by all signatories. Lifting of the wattage lid on channels that are destined to have 1-B and 2 ratings (up to 50 kw with actual juice dependent upon interference and protection of signals) is regarded as an initial step to eliminate uneconomic half-time stations on clear channels and to duck the fight over super-power by improving coverage of existing transmitters. So far not enough grants have been made to demonstrate a definite trend but indications are the Commission is embarked on program which will fill holes in program service by foreshadowing ultimate recommendations of the three-man policy committee, which still has not submitted its report on the hearings last June.

Omens

While the Commission is expected to continue moving cautiously, two recent announcements and a pair of reported but unconfirmed power boosts give basis for the belief that groundwork for reshuffling is being laid without waiting for promulgation of new policies or ratification of the North American agreement. Last week the FCC upped WCKY, Covington, Ky., from 10 to 50 kw while a short time earlier the strength of KRLD, Dallas, was increased from 5 to 50 kw. Unofficial reports are that the FCC has decided to reverse one of its examiners, allowing KSTP, St. Paul, and WJSV, Washington, to go to 50 kw. Formal announcement of action on the latter two proposals presumably being delayed for writing of satisfactory opinions. All of these increases are in accord with the theory behind the suggested new allocation method, although some of the social questions have not been decided. Each of the stations would become either a 1-B or 2 outlet, shifting to adjacent frequencies 40 kc higher, when the international moving day arrives. More than a year ago, the engineering department, which then was headed by Commissioner T. A. M. Craven, advocated curbing an impossible economic situation by allowing part-time outlets to operate around the clock whenever technical factors will allow. In the earlier report confined to engineering details, the experts also suggested all stations at the upper end of the dial be permitted to increase wattage because of the poor propagation characteristics of these channels.

Forerunners

General impression among industry watchers, therefore, is that the recent moves are merely forerunners of numerous power jumps which eventually will result in virtually every outlet in the nation operating with more juice. Series of applications is anticipated, now that the example has been set, although it is unlikely any wholesale or horizontal lifts will take place at one time because of the possible interference problems. For the sake of avoiding situations where impossible interference would result, the Commission is expected to require hearings on nearly all of the anticipated requests. The power boosts are thought to indicate a lack of sympathy on the part of a majority of the Commission for suggestions that the 50 kw maximum be made the minimum for clear-channel plants. As Commander Craven noted in his social-economic report, competition between classes of stations can be intensified by equalization of wattage and raising the weaker transmitters so they can render more adequate service to the communities where they are situated. This was held out as an alternative to a limited number of wattage behemoths.

Fredric March set for Eddie Cantor's Camel program (WABC-CBS), Dec. 12 by Herman Bernie (Seiznick, Ltd., N. Y.).

Add: Renewals

Joe Laurie, Jr., in Hollywood for an original six-week stretch, has been renewed to script for Al-Jolson's show.

Norman Prescott (Uncle Jim's Question Box) renewed by G. Washington Coffee, through Warwick & Legler, for another stretch from Jan. 1.

F. & M. Schaefer beer program has been renewed on WEA, New York, for 13 weeks starting Dec. 22 through B. B. D. & O. Show with Felix Knight, Joan Britton, Al and Lee Reiser's Swing Strings and the Jesters remains unchanged. Heard Thursdays on Red net 7:30 p.m.

Ben Bernie, now in his ninth week for Half and Half tobacco, has been optioned for another 13 weeks by G. W. Hill.

CBS ARTISTS BUREAU'S BIG MONTH

CBS Artists Bureau set more deals during the month of November than in any similar period of its existence. Results of the 30 days' dickering are already on the air or are in preparation.

Counted among those signed for sponsorship was Orson Welles' 'Mercury Theatre of the Air,' which replaces Hollywood Hotel this Friday (9) for Campbell Soup, with the Bernard Herrmann orch., also set by the Bureau, backgrounding; Andre Kostelanetz and Kay Thompson's choir for the Ethyl gasoline 45 min. spot on Thursday nights at 10 o'clock, starting Jan. 12; Raymond Paige and Hildegarde for the U. S. Rubber Co., debuting Feb. 22 at 10 p. m.; and H. V. Kaltenborn, commentator on world affairs, with Pathe News. In addition, Remond Scott's Quintet was placed on the Lucky Strike Hit Parade, and Ray Block's orch. and the Eton Boys on U. S. Tobacco's re-arranged Pick and Pat show.

Herb Rosenthal is general manager of the Bureau.

Satevepost Eyes Radio

Washington, Dec. 6. Stanley High is in town collecting material for an article on the Federal Communications Commission which will appear in the Saturday Evening Post. Fortune handled the subject (with mittens) some months ago. Same magazine has another radio article by J. C. Furnas pending. Deals with the special events activities of the networks.

Civil Service Exams

For WNYC Openings
New York City will conduct a competitive examination immediately after the first of the year for three posts at the city owned transmitter WNYC. Trio are radio publicity assistant, radio traffic assistant and radio operation assistant. Applications to take the tests are to be filed between today (7) and Dec. 25.

Each post is now filled with provisional appointees who will compete for the jobs with those filing applications.

Gluskin's Great Day

Hollywood, Dec. 6. Lud Gluskin caught two jobs on the downbeat last week. He had his option on Al Jolson's Lifebuoy show taken up and same day signed to score Tito Guizar's pictures at Grand National. Joe Laurie, Jr., coincidentally renewed as scripter.

JOINT COMMITTEE WORK NEAR GOAL

Final proofs of the brochure founded on the rural survey which the Joint Committee on Radio Research completed six months ago are now going the rounds of the committee by mail for approval. Unless someone on the committee gets a new notion on how it should be done and stirs up another debate, the finished work should be off the press in a couple weeks.

NBC and Columbia jointly prepared the brochure and are likewise underwriting the printing job.

RACING NEWS BANNED IN PA.

Philadelphia, Dec. 6. Penny law to eliminate transmission of horse race information, which was signed at the last moment of the special legislative session by Governor Earle last week, will prevent stations here from airing anything concerning the Kentucky Derby, Grand National or other famous races either before, during or after the race. Newspaper lobby had inserted exemptions so that news and results of races can be published.

Protest against the bill and its discrimination was sent by Dr. Leon Levy, WCAU prez, to the Governor after he had signed the measure.

WARING CHOIR SET FOR RIVERSIDE CHURCH

Fred Waring's male choir appears at Riverside Church, N. Y. Sunday (11). Choir will give a two hour concert of Christmas carols and spirituals under the direction of Bob Shaw, assistant to Waring.

Other dates of similar nature have been tentatively set for the group.

Sophie Tucker Repeated On KOIN Transcription

Portland, Ore., Dec. 6. Because it had a popular local show in the spot, KOIN is taking the Sophie Tucker show (Roi Tan cigars) off on disc and playing it 15 minutes later. The program that in the way of the CBS release is Five Star Final, a news feature. Surveys have given Five Star Final 70% of the local listening audience. Fact that the Sophie Tucker show is on disc was mentioned in the special publicity campaign which the station put on in her behalf.

Connie Boswell Changes

Connie Boswell has split with the Rockwell-O'Keefe office. William Morris office and the Music Corp. of America are now bidding for this bookish representation.

Miss Boswell came to R-O'K from the CBS Artists Bureau four years ago when the act was the Boswell Sisters.

Don Miller at World

Don Miller has joined the new transcription setup of World Broadcasting Co. as salesman.

Miller used to be with Scott Howe Bowen and among his jobs in the meantime has been that of advertising manager of the magazine Today.

NAN WYNN'S BUFFALO DATE

Buffalo, Dec. 6. Nan Wynn, CBS songstress, has been booked as headliner for Buffalo Athletic club's annual Radio Variety Revue next Saturday (10).

Remainder of the talent will be largely from ranks of Buffalo Broadcasting corp., whose executive v.p., Ike Lounsbury, is one of the very active BAC's.

Jack Bunyon ordered by his medical to forget about radio for a while and pack in at Palm Springs.

'What's Right With Radio' Drive

Washington, Dec. 6. Details of co-operative campaign to plug the American theory that broadcasting is most effective when carried on by private enterprise, a defense against restrictive regulation and possible government ownership, will be mapped out early next year by officials of the National Association of Broadcasters and the Radio Manufacturers Association.

Agreement to pool resources and embark on a good-will drive was reached last week at Chicago conference coincident with RMA directors' assembly. Exact nature of the effort was left for pick-and-shovel men to determine.

Both spoken and printed sermons probably will be preached in the movement to acquaint the public with the advantages of private operation and to draw attention to the accomplishments of the industry. Individual set-makers probably will be asked to include in their national newspaper and magazine advertisements some sort of educational matter directed at listeners. Stations and networks also may be propositioned about sustaining programs which would dramatize the public service they perform individually and jointly.

The idea is for a promotional drive, such as many other industries have put on without stifling competition between individual members of each family. Example of the film industry is fresh in the minds of both broadcasters and manufacturers.

Cost is the chief stumbling block. Shortage of funds puts curbs on the ability of either trade association to launch a promotional drive in its own right, neither group having a large sum available for printing or advertising and each disliking the thought of special assessments.

Next step probably will be to call a meeting of promotion and advertising managers of leading companies in each branch of the business followed by joint conversations about preparation of copy. Writing of special pamphlets to accompany each set placed on the market probably will come later, although the 'primer' scheme generally has been commended.

What Telephone Convenience, or Lack Of It, Means to Any Radio Contest

Kellogg Sets Lombard

Hollywood, Dec. 6. J. Walter Thompson is said to be still trying to get Cary Grant to join the Kellogg show, which bows on the NBC-red (WEAF) Jan. 15. Cary Grant doesn't like the idea of working every Sunday. Carole Lombard is already set for the stanza, as is Robert Emmet Dolan, the maestro.

WLW BEFORE FULL COMMISSION DEC. 15

Washington, Dec. 7. Further attack on the report of the three-man FCC committee which recommended slicing WLW, Cincinnati, to 50 kw, was calendared last week. Attorneys for Crosley Radio Corp. will have a chance to emphasize their 125 written exceptions to the conclusions of the trial board before the full Commission Thursday (15).

Final decision is anticipated early next year, although bulkiness of the record may require more time for the regulators to digest the testimony and criticisms.

Feds' Busy Air Sked

Radio Division of the Federal Theatre does not anticipate feeling the effects of the slice in WPA rolls. Rather the project expects to enlarge its current staff due to the widening of its activities in setting up air shows on network and local stations both in New York and other key cities.

New York office of the FTRD currently has more shows on the air than ever. Airing add up to 13 programs weekly with one of those shows being ethered three times a week making 15 actual broadcasts. Another 13 programs are now in preparation for debuts between now and next March.

WCKY 50 Kw. March 17

Cincinnati, Dec. 6. WCKY's power boost from 10,000 to 50,000 watts is expected to occur around St. Patrick's day. So stated L. B. Wilson, station head, Saturday (3), before flying to Miami Beach for his winter vacash.

BIZ END TO 'ENTERTAIN'

Philadelphia, Dec. 6. Christmas party for the staff and their families will be tossed by KYW in the auditorium studio on Dec. 24. Show will be put on by the non-professional employees who have never been on the air.

LeRoy Miller, Musical Klocker, will play Santa Claus.

Detroit, Dec. 6.

Peculiar situation has developed here, whereby CKLW has been forced to cut down audience for its 'Crossword Puzzle of the Air' program, instead of trying to build it up as is usually the case.

Weekly show, bankrolled by Sam's drug stores here, started off by publishing the crossword puzzles in local newspapers, inviting listeners to fill in blanks from definitions handed out by Frank Burke and Jack White over weekly program. Here given five minutes after last definition to phone in correct puzzle and grab \$1 award to each winner.

First two airings jammed switchboards so much station had to install 25 operators. So far so good, but Michigan Bell Telephone officials threw up their hands in horror when they discovered that something like 175,000 Detroit phones were either tied up or thrown out of order by the five-minute spurge Tuesday nights.

Moguls pleaded with CKLW officials to do something about it, since they feared a major catastrophe, fire or similar incident might wreck havoc while phones were thus tied up.

After huddle, boys decided to drop puzzle from newspapers and force listeners to trudge downtown to one of two Sam's drug stores in order to get puzzle for participation in contest. As result, last week's incoming calls totaled a mere few hundred compared with more than 4,000 in the previous stanza.

TEXACO RENEWALS INCLUDE BACHER

Cast and producer setup of Texaco's Tuesday night show on CBS will remain as is for another 13 weeks, effective Jan. 3. Renewals cover Bill Bacher, producer; Una Merkel, Ned Sparks, Charlie Ruggles, Frances Langford, Kenny Baker, David Broekman and James Wallington.

Account hopes Brock Pemberton will put off the production of the proposed play starring John Barrymore for at least another two months. Barrymore, who has been the Texaco program's m.c. for the past four weeks, was due in New York around Christmas to start rehearsing for Pemberton.

James Tierney, Texaco advertising manager, plans to get out to Hollywood after the holidays for a short stay in connection with the air series.

Addison Smith joined Benton & Bowles agency in Hollywood as production aide to Don Coppe.

Program Self-Regulation Expected

Washington, Dec. 6.

Plan which will allow the broadcasting industry a large measure of self-regulation in matters of program material is expected to derive from the report that is now being drafted by Commissioners T. A. M. Craven, George Henry Payne and Eugene O. Sykes. Threesome was delegated last spring to standardize procedure and adopt some principles which would guide the industry in framing programs. Meanwhile the regulators have decided to dismiss the complaint of CBS, alleging of Orson Welles' version of H. G. Wells' "War of the Worlds," with the explanation that the basis for the grievance has been rectified.

Nature of the Craven-Payne-Sykes recommendations is still a secret, although the prevailing impression is that the trio will recommend that the law department's wings be clipped when it comes to handling complaints. It was Commander Craven who initiated the efforts to agree upon uniform practices, while adverse public criticism such as was prompted by the abandoned move to try WTCN, Minneapolis, on profanity charges, also had its effect.

FCC PLAYS WHO AM I? WITH SALARIES

Washington, Dec. 6.

Fat pay envelopes handed a score of officers of Radio Corporation of America and the compensation of two Hearst Radio executives came to light Saturday (8) when the FCC issued a report listing salaries of hundreds of unnamed individuals in the management of telephone and telegraph carriers.

In contrast to the Securities and Exchange Commission which identifies the individuals, the FCC failed to give any names in its lengthy list. In numerous instances it was impossible to guess who was meant, although persons acquainted with the companies were able to pick out the most important individuals.

Following are the disclosures relative the RCA:

President and director, \$100,000 plus \$800 from other corporations; board chairman, \$80,000 plus \$800; vice-president and general counsel, \$75,000 plus \$160; vice-president, \$50,000; secretary, \$11,000; treasurer, \$18,000 plus \$300; assistant treasurer, \$13,000; general solicitor, \$22,500 plus \$100; attorney in charge of patent litigation, \$15,000; assistant general counsel, \$13,500; general patent attorney, \$13,000; assistant general counsel, \$12,000; attorney, \$12,000; patent attorney, \$10,000; comptroller, \$12,000; labor relations director, \$20,000 plus \$20; manager of license division, \$18,000; research director, \$15,000; manager of information department, \$12,500 plus \$280, and engineer in charge of frequency bureau, \$12,000 plus \$140.

Numerous raises during 1937 for the top bosses were revealed in footnotes to the report. Figures listed above are the rate of annual compensation as of Dec. 31, 1937.

The Hearst Radio disclosures were: vice-president and general manager, \$14,300 and consulting engineer, \$15,000.

Substantial jump in the number of telephone and telegraph carrier officials and employees receiving over \$10,000 occurred last year. Summary showed 688 individuals received checks totaling 46 figures or higher in 1937, as compared with 499 in 1936. Top of the list was Walter H. Gifford, president of A. T. & T., who far outstripped other communications execs with his annual income of \$206,250 from the parent company in salary and \$3,400 in "other compensation."

AL CORMIER'S EXIT CUES NEW SETUP

With the departure Friday (2) of Al Cormier from his general management of WINS, N. Y., a number of personnel changes followed. Carl Calman succeeded Cormier. Exit papers went to Jack Combs, musical program director; Louis Tappe, continuity director; Lorraine Reiley, Cormier's secretary; Janet Kell, and Rosalind Sherman. These moves, Calman states, are strictly economy moves.

New titles are as follows: Hazel Brower, program director; Robert Cotton, production manager; Al Grobe, publicity; Louis Katzman, musical director. Dorsey Owings resigned Monday as special events director.

Helen Menken's Butler Fails in Wage Claim

Judge Roder in New York municipal court last week threw out the \$371 wage claim by Arthur Cherry, colored butler, whom Helen Menken, the actress, now on "Second Husband" series for Bayer's Aspirin, had engaged for her husband, Dr. Henry Templeton Smith. Because of the actress' prominence, plus the colored handyman's loquaciousness, the wage claim got considerable publicity.

Miss Menken wanted him to assist in her medical husband's office but, finding Cherry incompetent, let him go.

POST'S BRAN SEEKS COPY OKAY

Post's Bran Flakes (General Foods) may go in for a spot campaign of major proportions shortly after the first of the year. A lot will depend on how major stations react to the laxative angle in the brand's proposed ad copy. Quiz on this point and time availability was sent out last week by Benton & Bowles to a long station list. World Transcriptions, which has been working on the same account, also wired similar queries.

Account is figuring on five quarters a week.

WONDERS PEDDLING PARSONS, BACHER

Hollywood, Dec. 6. Ralph Wonders, coast head of Rockwell-O'Keefe agency, is going east this weekend on radio package sales involving Bill Bacher as producer and Lovella Parsons as guest-star runner-on. Bacher's Texaco contract said to permit him an outside program.

Package show patterned after "Hollywood Hotel" with new twist and sponsor interested.

Irish Program Keeps WHOM Up Until 1 A.M.

Sign off time on WHOM, N. Y., has been extended from 12 midnight to 1 a.m. because of new program signed by Fidelity Brewery Co. Show runs 60 minutes starting at midnight seven times weekly. Fidelity will plug McSorley's ales and beers via an all-Irish music program with Joe Connelly answering requests with transcriptions. Agented by Morgan Reinher agency in cooperation with Federal Transcribed Programs, Inc.

Dinty Doyle an Actor

Radio columnist Dinty Doyle of the Hearst newspapers turns actor Christmas week. Doyle will start a personal appearance at Loew's State, N. Y., Dec. 23.

Supporting show for Doyle is not pencilled in as yet. Raymond Scott took over the batoning of Van Wynn's CBS sustainers Monday (5). Singer is aired Monday and Friday in 15 min. sessions.

MAP-MAKER ALLEGEDLY 'TRAPS' STATIONS AND THREATENS SUIT FOR INFRINGEMENT

Agencies-Sponsors

Domino cigars (Larus Bros.) is putting on a spot campaign along the Atlantic seaboard through Warwick & Legler.

Hind Honey and Almond Cream (Lehn & Fink) is renewing its minute announcement schedule Jan. 2. William Esty is the agency.

Household Finance Co. will present "Alice Lane" Thursdays over WISN, Milwaukee, under direction of James Cominos of Ben, Barton, Durstine & Osborn Agency. Household Finance also sponsors Monday through Saturday feature, "News Headlines."

Nathaniel Shilkret heads orchestra on WTMJ, Milwaukee, under sponsorship of the city's banks. Arrangements by Marvin Lemkuhl, account exec of the Scott-Telander advertising agency; Bob Brown, advertising manager of the First Wisconsin National Bank, and Neil Bakke, WTMJ salesman.

Minnesota Consolidated Canneries, Minneapolis (Butter Kernal Corn and Peas), through Long Advertising Service, San Francisco, is sponsoring four five-minute participations in the "Home Forum," "Home Forum" with Gladys Cronkite, during December.

Manhattan Soap Co., New York, (Sweetheart Soap), through Milton Weinberg agency, Los Angeles, is spotting announcements on KGO, San Francisco, through Dec. 23, also participations in the "Home Forum." Transcribed announcements on KFO, San Francisco. Fifty and 100-word announcements on KSFO, San Francisco.

Guarantee Union Life Insurance Co., through Allied agencies, using announcements five days weekly during newcasts on KJBS, San Francisco.

Maytag Co. (washing machines), through McCann - Erickson, Inc., Chicago, on KSFO, San Francisco, with 50 and 100-word daytime blurbs.

Oxo, Ltd. (beef cubes), through Platt-Forbes Inc., New York, using five announcements weekly on KSFO, San Francisco.

Lynden Chicken Products, (chicken soup), has contracted with KSFO, San Francisco, for three announcements weekly for 26 weeks, through the Burchard Co., Seattle, Wash.

Hinds & Co. (honey and almond cream), through William Esty agency, spotting 10 announcements weekly on KSFO, San Francisco.

Sinclair Oil has bought a weekly dramatized news show on WBBM, Chicago. It's tagged "History in the Making" and starts Jan. 8. Same account is lending an ear to a network show which NBC has offered.

Federal agency placed the WBBM business.

Lewis Andrews Wrote 300 Stations on Plain Paper With Home Address to Ask for Coverage Data—He's Head of American Map Co.

Answering Mail

Station sales reps in New York couldn't resist an "I told you so" on the old predicament about the maps.

Certain stations are notoriously slow to supply their own reps with information when demanded but seemingly will answer mail from unidentified persons.

Combination of embarrassment and resentment among broadcasters throughout the country has resulted from the discovery that the Lewis M. Andrews, who circulated them for coverage information about their stations, is the president of the American Map Co. and that he proposes to use this data to sue them for infringing on his copyrighted maps. Andrews denied Monday (5) the broadcasters' charge that the letter inquiry was devised strictly as a trap. He said that he came upon the infringements after his firm had been retained to do a radio coverage survey for an "industrial organization."

Andrews declined to disclose the identity of this organization. In his letter of inquiry to some 300 stations Andrews stated that the information was being sought for one of his "connections" that was considering a radio campaign. His request stressed the inclusion of maps in the submitted material. Andrews stated Monday that although his "client" had "considered using radio to a limited extent, it was not going on the air." As he phrased it he had been "retained to get up maps showing how far stations duplicated one another." Stationary which Andrews used for his coverage inquiry did not contain a letterhead. It merely gave his home address, 25 Central Park West, New York City.

Hot Lead

ASCAP figures that the segment from radio will be off by at least 10% as compared to 1937 when it comes to determining the ratios of the various licensee sources. Slack caused by broadcasting has been taken up in the Society's gross by the addition of some 2,200 new licensees in the tavern and nightclub fields.

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SAGALL OF SCOPHONY SET IN U.S., SAILS 10TH

Solomon Sagall, managing director of Scophony, Ltd., English television company, has made sufficient progress here in plan to form an American company to manufacture and market receivers to warrant laying results of his negotiations with Eddie Cantor and financial associates before Scophony board of directors.

Sagall sails for England Dec. 10. Scophony expects to perfect and market a 16-foot television picture for theatres in England by next June and now has in use an eight-foot size picture. Sagall will return here in January if Scophony decides to go ahead with its American plans and World's Fair demonstration next spring.

Ross Guests on WHOM

David Ross will be guest star on "The Americans" program over WHOM, N. Y., next Sunday, Dec. 11. Will give "Gettysburg Address."

John Griffith Explains Setup Of National Phonographic Network

John Griffith, head of the National Phonographic Network, declared yesterday (Tuesday) that he would place his first batch of commercial phonograph records with coin-operated machines during the current week. He figures on a distribution of 5,000 copies of his initial dance band recording, with Carstairs Whiskey involved in the test campaign.

Griffith said that in due time he expects to turn out 50,000 pressings per master. He talked about having 250,000 coin-operated machines under contract. Griffith stated that he is furnishing the recordings to advertisers at 25c a piece for four weeks playing time and that the musicians he employs are paid the same scale as prevails in the case of the ordi-

nary phonograph record, namely, \$24 per man for a two-hour session.

In regards to the stand of the Music Publishers Protective Association that he must pay the same royalty fee (2c and 50c) as applies for transcriptions Griffith declared that if the MPPA continued to refuse to make it a royalty of 2c for him he would resort to the exclusive use of unpublished manuscripts and ask the Songwriters Protective Association to do the licensing for him. He felt confident that the coin machines would make such unpublished numbers popular.

Griffith expects to use name bands identified with air commercials for recording purposes in the event such advertisers buy his phonograph record service.

Warren Hull now doing the commercials of Metro's "Good News" program, vice Ted Pierson.

VARIETY

Services to the
Radio Trade

(All Without Charge)

★
Protected Material Dept.
(For Writers)

★
Local Program Registry
(For Sponsors, Stations)

★
Mail Department
New York—154 W. 46th Street
Chicago—54 W. Randolph
Hollywood—1708 N. Vine

The list of advertisers below this box are some of the accounts placing radio time through agencies subscribing to Variety

G. W. Ballard
Star Outfitting Co.
Lloyd E. Hillman
Mountain Copper Co.
Monarch Brewing
Western Auto
Lachman Bros.
Federal Land Co.
Nelson Wood Products Co.
Griesedieck Brewing
American Packing Co.
Barton Mfg. Co.
Campana Sales
Milk Foundation
International Harvester
Marshall Field
Aurora Laboratories
Kester Solder
Stein Hall Mfg. Co.
American Rolling Mill
American Tel. & Tel.
Appalachian Apples, Inc.
Atlantic Refining
Boston Globe
Chicago School of Nursing
Cutrice Brothers
Eggo Milling
Emigrant Industrial Savings
Ferry Moss Seed Co.
J. B. Ford Co.
Ford Motors
Golden State Co.
W. T. Grant Co.
Hawaiian Pineapple Co.
Dr. Hess & Clark
Honor Brand Frosted Foods
Illinois Bell Telephone
Kalamazoo Vegetable Parchment
Kellogg Co.
Kirkman & Son
Koppers Co.
Michigan Bell Telephone
Philadelphia Coke Co.
Thos. G. Richardson Co.
Sheffield Farms Co.
Webster Eisenlohr
Borden's Farm Products
Carborundum Corp.
General Baking
Brown & Williamson
Time, Inc.
Household Finance
Schaefer Brewing
Griswold Mfg. Co.
Cosmos Corp.
Jacob Dold Packing
L. S. Donaldson Co.
Duluth Brewing
Gamble Stores
Hecker Products
Hoffman Beverages
George A. Hornel
International Sugar Feed
Marine Trust
New York Telephone
Serval Sales
Western Savings Bank
Oneida, Ltd.
My-T-Fine
Boston Morris Plan
Southern New England Telephone
Hudnut Sales
Pepperell Mfg. Co.
Red Owl Stores
Blue Moon Cheese
Corning Glass
American Stove
Armstrong Cork
Dunlop Tire & Rubber
Remington Arms
Mount Royal Importers
General Foods for:
Log Cabin Syrup
Maxwell House Coffee
Diamond Crystal Salt
Huskies
Post Bran Flakes
Colgate-Palmolive-Peet for:
Palmolive Soap
Super Suds
Palmolive Shave Cream
Halo
Continental Baking for:
Wonder Bread
Hostess Cake

Philip Morris & Co.
Bulova Watch Co.
Columbia Pictures
Humphrey's Homeopathic Medicine
American Home Products for:
Kolydos
Bi-So-Dol
Hill's Cold Tablets
Old English Wax
Edna Wallace Hopper Products
Anacin
B. T. Babbitt
Bayer Aspirin
General Mills for:
Wheaties
Bisquick
Kitchen-Tested Flour
Softasilk

Chevrolet Motors
American Cigarette & Cigar
American Pop Corn Co.
Chamberlain Laboratories
Chase Investment Co.
Yellow Cab Co.
Western Grocery Co.
National Ice Industries
Dr. Scholl's
Truly Warner
Barbasol
Musterole and Zemo
Lydia Pinkham
Carnation
Gunther Brewing
Liebmann Brewing
Consolidated Cigars
Olive Tablets
Kremel
R. J. Reynolds Co.

American Oil
Laco Products
C. F. Mueller Co.
Kellogg Co.
Bosco Co.
Chasers
Knox Gelatine Co.
Piel Brothers
M. Buten & Son
Foster, Miller & Bierly
Grammy's Cough Syrup
American Writing Machine Co.
Margat Chemical Co.
O'Melia, Inc.
MacIadden Publications
U. S. Tobacco Co.
Goodyear Tire & Rubber
Buick Motors
Phillips Petroleum
Listerine Tooth Paste

Standard Oil of Calif.
Axton-Fisher Tobacco Co.
Borden Dairy
Ford Motor
Northwestern Electric
Portland Gas & Coke
Standard Oil of Ohio
Calif. Walnut Growers' Assn.
Chesebrough Mfg. Co.
Newskin Co.
Zonite Products
Richman Brothers
Fisher Mills
Brading Brewing
Kelvinator of Canada
Jackson's Bread
Libby, McNeill & Libby of Canada
McCall Frontenac Oil Co.
Dean Milk Co.
Gebhardt Chili Con Carne
Reliance Mfg. Co.
Rapiwax Paper Co.
Quaker Oats
Steele-Wedeles Co.
Airy Fairy Goods
Folger Coffee Co.
Stokley Bros.
Union Pacific Railroad
Drezma, Inc.
F. Lowenfels
Loft
Fisher Baking
McCoy's Products
Nu Enamel Corp.
Physical Culture Shoes
William Wrigley, Jr. Co.
Admiral Laboratories
Doyle Packing Co.
Vogeler's Mayonnaise
Camir Corp.
Cut Rite Wax Paper
Socony-Vacuum
Kelly Liquor Co.
Lee & Perrins
Look, Inc.
Gruen Watches
Fox Deluxe Beer
Salerno-Megowan Biscuit Co.
Chrysler Motors
Thom McAnn Shoes
Silex Coffee Maker
Lever Bros.
Scott Paper Co.
Kraft-Phenix Cheese Corp.
Lamont Corliss & Co.
John H. Woodbury
Andrew Jergens Co.
Emerson Drug Co.
Zenith Radio Corp.
Johns-Manville
Standard Brands for:
Tender-Leaf Tea
Fleischmann Yeast
Royal Gelatine
Chase & Sanborn Coffee
Dr. Pepper Co.
Imperial Sugar
Peters Shoe Co.
The Borden Co.
Standard-Tilton Milling Co.
Postex Cotton Mills
Campbell Soup Co.
Lehn & Fink
Health Products
Rugby Knitting Mills
S. Stein & Co., Inc.
Chalmers Gelatine Co.
Group of American Banks
Liggett & Myers Tobacco Co.
Cummer Products for:
Molle
Packers Tar Soap
Swift & Company
Grove Laboratories
E. Griffith Hughes
Monroe Chemical
Miles Laboratories, Inc.
H. J. Heinz Co.
General Electric
Berry Brothers
Goebel Brewing
Sun Oil Co.
Cudahy Packing Co.
F. B. Washburn Candy
United States Tire & Rubber

Reproduced on the following pages are, among others, subscription checks from the 20 leading agencies which place 72% of the national network time.

COMPARATIVE AGENCY SPENDING ON NETWORKS, 1937

(FROM VARIETY RADIO DIRECTORY, 1938-39)

1. Blackett-Sample-Hummert	\$7,293,489.70
2. Lord & Thomas	5,549,195.00
3. J. Walter Thompson	5,283,134.00
4. Young & Rubicam	3,281,010.40
5. Benton & Bowles	3,634,240.00
6. Ruthrauff & Ryan	3,407,886.00
7. Compton Advertising	3,001,600.00
8. N. W. Ayer	2,842,215.00
9. Newell-Emmett Co.	1,951,261.00
10. B. B. D. & O.	1,801,695.90
11. Stack-Goble	1,495,307.00
12. Wade Advertising	1,457,470.00
13. Lennen & Mitchell	1,380,063.00
14. Neisser-Myerhoff	1,232,960.00
15. Maxon	1,146,788.00
16. Ward Wheelock Co.	1,128,540.00
17. William Esty	1,033,263.00
18. Roche, Williams & Cunyngnam	958,509.80
19. Gardner Advertising	928,326.00
20. Erwin, Wasey & Co.	920,263.03
	\$50,267,216.83

Variety's complete paid subscription list includes scores of other agencies which place almost 100% of ALL national radio time—both network and spot.

Procter & Gamble for:
Oxydol
Dreft
Lava
Ivory Soap
Ivory Flakes
White Naphtha
Drene
Camay
Chipso
Crisco
Skelly Oil Co.
Wander Co.
Sterling Products for:
Phillips' Dental Cream
Phillips' Milk of Magnesia
Dr. Lyon's Toothpowder
Annabell Shops
Sharp & Nassasoit
S. & W. Fine Foods
California Conserving Co.
Smith Bros. Cough Drops
McKesson & Robbins
Benrus Watch Co.
Seeman Bros.—White Rose Tea
Colt Shoes
R. G. Sullivan, Inc.
Boston Beer Co.
Harmony Garments

Thomas Leeming & Co.
Sinclair Refining
American Safety Razor Corp.
General Cigar Co.
Aluminum Co. of America
Penzoil Co.
Socony-Vacuum
Devos & Reynolds
De Sota Motor
Sobol Brothers
Pet Milk
Ralston Purina
Falstaff Brewing
Nash-Kelvinator Corp.
E. P. Reed
Acme White Lead & Color Works
John Morrell & Co.
J. H. Fagan Corp.
Prime Mfg. Co.
Justrite Co.
Meier Ice Cream Co.
Pillsbury Flour Mills
Gluek Brewing
Chippewa Springs
Kroger Grocery & Baking
Drackett Co.
Maryland Pharmaceutical
Ex-Lax, Inc.

P. Lorillard (Old Gold)
Nestle Products Co.
Lehn & Fink
Tide Water Oil
American Tobacco Co.
First National Bank of Chicago
Lady Esther, Ltd.
Pepsodent Co.
Cities Service
Quaker Oats
Associated Oil
Calif. Fruit Growers' Exchange
Consolidated Edison
Rainier Brewing
Southern Pacific R. R.
Stewart Warner Corp.
Northwestern Yeast Co.
Wincharger Corp.
Standard Oil of N. J.
Postal Telegraph
Ludens, Inc.
New York State Bureau of Milk
Publicity
Malted Cereal Co.
Canada Dry Ginger Ale
National Carbon
National Biscuit Co.
Pacific Borax Co.
Regional Advertisers

VARIETY READERSHIP AMOUNT

ERWIN, WASEY & CO. OF THE PACIFIC COAST 328 MONTGOMERY STREET SAN FRANCISCO, CALIF.		WILLIAM ESTY AND COMPANY IN ASSOCIATED ADVERTISING NEW YORK, OCT. 31, 1938		LENNEN & MITCHELL, INC. 17 EAST 45th STREET NEW YORK, N.Y. CENTRAL HANOVER BANK AND TRUST COMPANY 100 WALL STREET NEW YORK, N.Y.	
PAY TO THE ORDER OF <i>Variety</i> EXACTLY \$10.00		NO. 12079		EXACTLY \$10.00	
RUTHRAUFF & RYAN, Inc. 605 LEXINGTON AVENUE NEW YORK, OCT. 25TH, 1938		ERWIN, WASEY & COMPANY, INC. Advertising THE MARINE MIDLAND TRUST COMPANY OF NEW YORK 1-108 12 EAST 46th STREET NEW YORK, N.Y. September 30, 1938 \$4.00		J. WALTER THOMPSON COMPANY 4111 HOLLYWOOD BLVD. LOS ANGELES, CALIF. 10/21/38	
PAY TO THE ORDER OF VARIETY, INC.		NO. 23915		NO. 043671	
Forty and 00/100		N. W. AYER & SON, Incorporated ADVERTISING No. 10942 CHICAGO, ILL. October 14, 1938		CAMPBELL-EWALD COMPANY - Advertising DETROIT, MICHIGAN	
PEDLAR & RYAN, Inc. Advertising 250 PARK AVE. New York, November 2, 1938		BLACKETT-SAMPLE-HUMBERT, INC. ADVERTISING 881 NORTH LA SALLE STREET CHICAGO, ILL.		BENTON & BOWLES HOLLYWOOD, CALIF.	
Pay to the order of The sum of \$10 and 00/100		Pay to the order of VARIETY		Pay to the order of VARIETY	
NEW YORK, October 20, 1938		10679		986	
CENTRAL HANOVER BANK AND TRUST COMPANY		BENTON & BOWLES, INC. 444 MADISON AVE., NEW YORK CITY ADVERTISING New York, October 24		ARTHUR KUDNER, INC. Advertising INTERNATIONAL BUILDING ROCKFELLER CENTER NEW YORK, N.Y.	
GEYER, CORNELL & NEWELL, Inc. THE NATIONAL CITY BANK OF NEW YORK Every Second Street at Madison Avenue NEW YORK, N.Y.		AMERICAN ASSOCIATION OF ADVERTISING AGENCIES 420 LEXINGTON AVENUE, NEW YORK NEW YORK, SEP. 26, 1938		COMPTON ADVERTISING FORMERLY BLACKMAN ADVERTISING Rockefeller Center - 630 Fifth Avenue, N.Y.	
AUBREY, MOORE & WALLACE ADVERTISING 230 NORTH MICHIGAN AVENUE - CHICAGO		FEDERAL ADVERTISING AGENCY, INC. NEW YORK CITY		EXACTLY \$10.00	
EMIL BRISACHER AND STAFF ADVERTISING ENGINEERS CROCKER BUILDING SAN FRANCISCO Oct. 15, 1938		SHERIDAN-FARWELL & MORRISON, INC. "EIGHT-JOHN" BUILDING - AVENUE CHICAGO		COOLIDGE ADVERTISING COMPANY DES MOINES Oct. 1, 1938	
GARDNER ADVERTISING COMPANY No. 12196 TO FIRST NATIONAL BANK IN ST. LOUIS, MO. SAINT LOUIS, NOV. 1, 1938		THE JOSEPH KATZ COMPANY Advertising 10 MOUNT VERNON PLACE - EAST BALTIMORE		McCONNELL, EASTMAN & COMPANY Advertising Agency LONDON, CANADA	
MITCHELL-FAUST ADVERTISING CO. ESTABLISHED 1904 TWO HUNDRED THIRTY-NORTH MICHIGAN AVENUE CHICAGO October 17,		HUTCHINSON ADVERTISING COMPANY MINNEAPOLIS JULY 11, 1938		SCHWINNER & SCOTT Advertising 90 N. WABLER DRIVE - CHICAGO, ILL.	
NEISSER-MEYERHOFF, INC. ADVERTISING-MERCHANDISING		BROADCAST ADVERTISING, INC. No. 8900 NEW YORK, OCT. 20, 1938		CHESTER H. McCALL COMPANY, INC. ADVERTISING - 1770 BROADWAY NEW YORK OCT. 26, 1938	
FULLER & SMITH & ROSS, INC. NEW YORK - CLEVELAND CLEVELAND, OHIO, OCT. 2		KENYON & ECKHARDT, INC. 247 PARK AVE. - NEW YORK		TRACY, LOCKE & DAWSON Advertising DAALLAS, TEXAS 10/6/38	
THE BLOW COMPANY 9 ROCKEFELLER PLAZA New York, November 2, 1938		THE NEWS		BANKERS TRUST CO. FIFTH AVENUE OFFICE NEW YORK, N.Y.	
THE NEWS		J. STERLING GRETCHILL 401 Lexington Avenue NEW YORK, N.Y.		WILL PAY	

NG BIG-MONEY AGENCIES

BLACKETT-SAMPLE-HUMBERT, INC. ADVERTISING 221 NORTH LA SALLE STREET CHICAGO, ILL. No. 4369 Pay to the order of Variety 154 West 46th Street New York, N.Y. Date OCT 31 1938 Amount \$10.00		LORD & THOMAS ADVERTISING SAN FRANCISCO CHICAGO LOS ANGELES LONDON NEW YORK No. 4369 Pay to the order of Variety 154 West 46th Street New York, N.Y. Date OCT 31 1938 Amount \$10.00	
BENTON & BOWLES, INC. 444 MADISON AVE., NEW YORK CITY ADVERTISING New York, October 31, 1938 P AND E No. 5113		LORD & THOMAS CENTRAL ILLINOIS BANK AND TRUST COMPANY CHICAGO, ILL. No. 21781 CHICAGO, 10/29/38 \$10.00	
Batten, Barton, Durstine & Osborn 383 Madison Avenue, New York Date OCT 28 1938		ERWIN, WASEY & COMPANY, LTD. Advertising CONTINENTAL ILLINOIS BANK AND TRUST COMPANY - S-B CHICAGO, September 19, 1938 \$10.00	
J. WALTER THOMPSON COMPANY ADVERTISING 17 EAST 45th STREET NEW YORK, SEPTEMBER 21st, 1938 No. 8082		BLACKETT-SAMPLE-HUMBERT, INC. 221 NORTH LA SALLE STREET CHICAGO, September 19, 1938 No. 80686 9-10-38 \$10.00	
Lennen & Mitchell, Inc. 17 EAST 45th STREET NEW YORK, SEPTEMBER 21st, 1938 No. 8082		CAMPBELL-EWALD COMPANY - Advertising DETROIT, MICHIGAN No. 043719	
THE NATIONAL CITY BANK OF NEW YORK Forty Second Street at Madison Avenue NEW YORK, N.Y. NEW YORK, October 8, 1938 \$10.00		Ward Wheelock Company ADVERTISING Philadelphia, October 28, 1938 No. 1726 \$10.00	
FRANKLIN BRUCK ADVERTISING CORPORATION R.K.O. BUILDING ROCKEFELLER CENTER NEW YORK, October 15, 1938 No. 15395		THE RALPH H. JONES COMPANY CINCINNATI, OHIO No. 50838	
ARMAND S. WEILL CO. INC. 125 West 46th Street New York, N.Y. No. 9781-A		MARSHALK AND PRATT INCORPORATED MARKETING AND ADVERTISING SERVICE 330-8th AVENUE New York, October 19, 1938 No. 600	
JOSEPH MARKS CO. ADVERTISING 1300 GUARDIAN BUILDING CLEVELAND, OHIO October 5, 1938 \$10.00		THE BLACKSTONE CO. ADVERTISING 1870 SIXTH AVENUE NEW YORK, CITY No. 8048	
MCCANN ERICKSON Incorporated 1300 GUARDIAN BUILDING CLEVELAND, OHIO October 5, 1938 \$10.00		HENRI, HURST & McDONALD INC. Advertising 124 NORTH MICHIGAN AVENUE CHICAGO CHICAGO, October 10, 1938 No. 22995	
HAYS MAC FARLAND & COMPANY 112 NORTH MICHIGAN AVENUE CHICAGO, ILL., October 31, 1938 \$10.00		ROBERT S. NICHOLS ADVERTISING AGENCY 1101 B'LDG SEATTLE, WASHINGTON Oct. 27, 1938 \$10.00	
FRINGER ADVERTISING AGENCY, INC. 1708 OLIVE STREET ST. LOUIS, MO. OCT 7 1938		GARDNER ADVERTISING COMPANY 1131 NATIONAL BANK IN ST. LOUIS, MO. SAINT LOUIS, Sept. 30, 1938 No. 11381 V	
CHAS. DALLAS REACH CO. ADVERTISING SYRACUSE, N.Y. OCT 27 1938		RAYMOND R. MORGAN CO. ADVERTISING 6302 HOLLYWOOD BLVD. LOS ANGELES, September 30, 1938 No. 5440	
ROCHE WILLIAMS & CUNNINGHAM 310 SO MICHIGAN AVE CHICAGO ILL. LOS ANGELES, LA		J. M. MATHES, INCORPORATED ADVERTISING 128 EAST 42nd STREET, NEW YORK, N.Y. Guaranty Trust Company of New York, Fifth Avenue at 44th Street, New York New York, September 19, 1938 \$10.00	
Alfred Advertising Agencies LOS ANGELES SAN FRANCISCO		GARDNER ADVERTISING COMPANY No. 11469 TO FIRST NATIONAL BANK IN ST. LOUIS, MO. SAINT LOUIS, OCT 4 1938	
Knox Reeves Advertising, Inc. MINNEAPOLIS, October 10, 1938 PAY TWENTY AND NO/100 DOLLARS		J. STIRLING GIBBELL 401 Lexington Avenue NEW YORK, OCT 4 1938	

Detroit, Dec. 6. — New artists' bureau is being established at CKLW, with Chuck Smith, formerly of WLS, Chicago in charge. Currently bureau has booked Joe Gentile and Toby Davidson comedy duo, for long time or CKLW's morning frolic, for week's engagement with Horace Heidt's band at vaudeville box. Larry Gentile, Bill Lewis and Gretchen enter go into the new "Woody boat night" here this week for index stay.

Hal Halloran is being lined up for several tours of Michigan with his hillbillies.

RAP FCC 'INCONSISTENCY'

CALDWELL CALLS COMMISH ERRATIC

**WTIC, Hartford, Appeal
Cites Numerous Cases
Where Different Attitude
Was Taken on Price-Tag
Issue**

TO COURTS

Washington, Dec. 6.

Bewilderment of broadcasters about the policy of the vacillating FCC toward station sales resulted in sharp criticism of inconsistent attitudes and failure to lay down standards when Travelers Insurance Co. last week sought rehearing on applications for permission to consolidate control of WTIC, Hartford, and four short-wavers in a new operating subsidiary.

Brief which contained tart remarks about the majority opinion denying the application was filed by Louis G. Caldwell and Percy H. Russell, Jr., in the first of a series of moves expected to wind up in court rulings which should eliminate much of the confusion, uncertainty, and suspense now bothering license-holders. Because the case has provoked hot debate and has been under consideration for a long period, denial of the request for another opportunity to offer evidence is generally expected.

The decision which Caldwell and Russell attacked was one of the half-dozen most important precedents created since the FCC was set up. In spurning the Travelers' proposals, the regulators in effect declared broadcasting stations should be judged much the same as other utilities and laid down the principle that station owners are not entitled to recover losses involved in development of their transmitters and providing high-grade service.

Outstanding clause of the petition for rehearing was the accusation that the WTIC decision is 'highly inconsistent with a long line of decisions' rendered by both the FCC and its progenitor, Federal Radio Commission. 'Legal duo' declared 'elementary principles of fair play and due process of law require that administrative tribunals render decisions impartially and that rules and requirements and standards be applied uniformly and without discriminations to the persons subject to regulation. In applying one yardstick to WTIC and another to other applicants, the Commish 'disregarded and violated' this vital duty.

Not Consistent

This complaint was halied down by reference to several recent instances in which the Commish winked at wide disparity between the physical value of the property and the sale price. Contending their clients were given harsh treatment, Caldwell and Russell focused attention on such cases as the KNX, Los Angeles, sale, Elliott Roosevelt's purchases, and three other transactions where the bundle of cash far exceeded the demonstrated value. In a supplemental exhibit, the attorneys listed more than 50 individual instances where the regulators were by no means as conscientious and where such a view was not taken.

Debutantes on WNEW

Guaranteed genuine registered debutantes will appear on Station WNEW, N. Y., Mondays, at 10 p.m., to give society news. It's part of Larry Nixon's filling of the 10 p.m. niche across the board. Regular newsmen fill the spot other nights. Eileen Herrick, Mimi Francis and Ann Francine are among the first of the newscasting debuties. Mrs. Summer Taylor will introduce them. Publicity-conscious Debutante Luncheon club of Coque Rouge in on tie-up.

WOW Arranges Gala Show With Fibber McGee

Omaha, Dec. 6.

Fibber McGee and his company will headline Christmas Charity Show at Ak-Sar-Ben Coliseum here Dec. 18, sponsored by Station WOW. All proceeds will go to charity with admish ranging from 55 cents to \$1.65 top.

Program also include WOW Follies which has given six performances in Nebraska and Iowa towns. Show includes station's orchestra, a choir, instrumental units and individuals. Lyle DeMoss, station production manager, will be emcee.

SCHOLLE, McGEE RE-TITLED

At WQKR, New York Robert M. Scholle has replaced Norman McGee as sales manager. McGee becomes director of agency relations. Scholle has been a station salesman for about a year.

Station has also added to its air time taking an additional half hour daily. Now starts at 7:30 a. m.

Boy Scouts Pose a Quandary

Washington, Dec. 6.

Whether desire to co-operate in a highly-regarded public movement overshadows the importance of discouraging time chisellers is one of the present headaches of the NAB. Frowning occasioned by request of the Boy Scouts of America that stations aid the youth program by carrying programs about Scout activities.

Currently crusading against agencies and concerns begging gratis time, the trade association execs are in a quandary, especially as the industry always has co-operated in such movements when they are non-commercial. If the Scouts intend to advertise their official magazine, 'Boys' Life,' NAB code of ethics requires stations to turn thumbs down on the proposition.

More Tea for 'Family'

Hollywood, Dec. 6.

Standard Brands has renewed 'One Man's Family' for the fourth successive year on the air for Tenderleaf Tea.

Program written and produced by Carleton E. Morse goes into its ninth year on the NBC network.

WKRC Theatre Tie-Ups

Cincinnati, Dec. 6.

WKRC and 18 suburban cinemas are exchanging courtesy blurbs. Station supplies the theatres with weekly changes of sound trailers, ranging from 40 to 90 seconds and plugging different programs.

In return it carries daily announcements of the theatres' screen fare.

G.E. DX PLANT IN FRISCO BAY

Albany, N. Y., Dec. 6.

Harold Towlson, of WGY's South Schenectady staff, has left to supervise construction of a short wave station on Treasure Island, site of the San Francisco World's Fair. First U. S. short-wave transmitter west of the Mississippi, its spot was fixed at Belmont, Cal., in GE's original application to FCC. The latter has okayed the shift to the Frisco exposition.

WQXR's Dime-a-Month

WQXR, N. Y., is the first station outside of the Yankee network to contract for the new Dime-a-Month club listener forum discussions. Program started last week.

Programs debate prize winning subjects submitted by members of the club. Discussions are pro and coned by professional debaters.

*We sell
5000 watts*

—and elbow grease!

CINCINNATI has a lot of radio stations—some of them with lots of power. And all four of the bigger stations are network stations. Which ought to make things complicated for a time buyer. But they're not.

In April of 1938, Crossley, Inc. conducted the largest coincidental study ever made in Cincinnati. It demonstrated that WKRC was an unquestioned first in listener popularity among all of the local network stations. And, since then, other surveys have confirmed the fact.

It isn't just the 5000 watts. It isn't just the 550 kilocycles. It isn't just the complete Columbia programming. It's all of those things... plus elbow grease!

WKRC produces shows that catch the flavor of Cincinnati. And the interest. And the enthusiasm. WKRC "special events" is one of the liveliest outfits in radio. And Cincinnati listeners make it a habit to tune WKRC when they want to know what's doing in Cincinnati.

We always reserve a couple of cans of elbow grease for our dealers, too. Every important dealer in Cincinnati is contacted by WKRC all of the time—on behalf of our sponsors. The result is that your customers are our friends. Day and night, WKRC advertising rings the bell all down the line... wholesaler, retailer, consumer.

You ought to sample some of our very special brand of elbow grease.

WKRC ★ COLUMBIA'S STATION FOR CINCINNATI

550 Kilocycles. Owned and operated by Columbia Broadcasting System • Represented by Radio Sales: New York • Chicago • Detroit • Milwaukee • Charlotte, N.C. • Los Angeles • San Francisco

Bar Assn. Defers Condemnation Of Radio in the Court Room

Washington, Dec. 6.

Backbone-stiffening on the part of broadcasters slowed down the American Bar Association committee planning to denounce court-bench programs and put a gag on commentators' reports about trials. In intimate huddle about switching off the spotlight on judges, lawyers, defendants, and witnesses wound up in agreement Thursday (1) to allow the National Association of Broadcasters time to digest the arguments of barristers who fear radio will lower the dignity of judicial proceedings, cause bias and prejudice, and lead all participants to grandstand in the hope of making a hit with the dial-twisters. Further discussion of the matter is scheduled tentatively for January.

Weighing of the questions of propriety occurred at a closed-door conference between delegates from the N.A.B., the American Bar Association, and the American Newspaper Publishers' Association about a report, drafted chiefly by Newton D. Baker, deceased Cleveland lawyer, voicing the legal profession's views about how court actions should be covered. Previously the press has been allowed to offer its arguments, but last week was the first time the broadcasters were given a say. As a result, formal adoption of the report has been held up, with prospect radio will insist upon attaching several amendments.

While the Bar Association spokesmen seemed to prefer to operate in a vacuum, the press and radio delegates joined hands to insist that the public has a right to receive both written and oral eye-witness accounts of what takes place in court rooms. Both factions emphasized they have been called upon to perform public services for the law-enforcement agencies and defended their right to relate what happens before the bench. At the same time, each conceded there are limitations to their freedom to report and criticize.

Impropriety of expressing opinions while trials are in progress, of trying cases in print or before the mike, and of repeating circus antics, such as accompanied the Hauptmann prosecution was agreed upon by all parties. United front of broadcasters and publishers, however, insisted that turning the spotlight on court-room proceedings is

more likely to elevate than lower the judicial standards. Publicity was declared a bulwark against miscarriage of justice.

Lawyers' Dignity

Neither the press nor radio could see lawyers' objection that dignity surrounding legal proceedings may be injured by publicity. Proper handling will be a sufficient safeguard. Self-restraint will be recommended to members of each industry, but neither will surrender the right to exercise individual judgment about the amount or type of publicity.

For the broadcasters, five-man contingent emphasized the industry's concept that summarization of important court actions is part of the public service obligation on licensees. Impossible to carry a word-by-word account, because testimony of witnesses under examination is not the right sort of raw material for the airwaves. Interruptions, lawyer wrangles, dull character of many important proceedings all necessitate boiling down accounts of what transpires, radio group emphasized.

Even radio's attempts to help cut the automobile accident rate came in for criticism from the lawyers. Fear that microphones on the bench will cause elected judges to grandstand, besides affecting the witnesses, was brought up as a possible danger. The industry group, surprised at this attitude, noted that police and other agencies have enlisted the cooperation of stations in safety drives and reminded the barristers that the efforts often have been credited with lowering fatality rates.

While all participants described the conversations as amicable, the broadcast group won the right to make a survey and ponder the proposition. Questionnaires will go to NAB members in search of data about the nature, frequency, and length of court broadcasts and the type of news reports or comment about trials. With this information, the committee—comprising Neville Miller, NAB president; Philip G. Loucks, Association counsel; Louis G. Caldwell, radio attorney; Harry W. Butcher, of CBS, and Frank M. Russell of NBC will debate the matter of policy again and probably make suggestions for changes in the Bar Association report.

Ed Gardner May Go CBS

Ed Gardner, whose last connection was that of co-producer on Maxwell House Coffee's 'Good News' show, may tie up with CBS in New York. Network figures on having him produce a variety stanza in the 8 to 9 slot Sunday nights.

Gardner came east to find a sponsor for a program idea that he had transcribed on the Coast and it was while he was contacting the agencies with the show that CBS sent for him.

Re-Worded Copy Gets Show Okay From Liquor Bd.

Pittsburgh, Dec. 6.

Radio commercial of Karl Krug, columnist and critic on Sun-Telegraph, for local brewing company finally cleared after a two-month squabble with state liquor board and hit WJAS last night (5) for the first time. Krug will air 15 minutes of nitery news and gossip three times a week.

Originally slated to get under way in October, show was held up because Pennsylvania booze authorities refused to permit tying in plugs for cates mentioned by Krug and which also carried sponsor's product. That's against the law in this state and brewery was unable to budge board on this score.

Setup now will have Krug mentioning spots, but as places where people of importance were seen or on entertainment recommendations, with commercials being handled straight and no direct tieups.

Cover Airplane Tragedy

San Francisco, Dec. 6.

When a United Airlines plane was wrecked after a forced landing in a turbulent sea off Point Reyes, north of here, last week, with a loss of five lives, station KFRC sent Bill Pabst, program manager, Darrell Donnell and Bill Davidson to the scene to wax interviews with Coast Guardsmen by means of portable apparatus. The platter was aired over a nationwide Mutual web.

Meanwhile KSRO, Santa Rosa claims first eye-witness account. Al Laing and Bob Nichols rushed to scene.

It's the 'Radio Monotony' Hearings

Biggest Hall in Town for Handful of Bored Witnesses
Causes Move to FCC's Parlor

Washington, Dec. 6.

Slow-moving Federal Communications Commission investigation into so-called radio monopolies transferred this week from the palatial Government Auditorium to an ordinary FCC hearing room.

Daily spectacle of half-a-dozen bored spectators (mostly witnesses waiting to be called), a small group of snoozing scribes and a table-full of radio attorneys playing tick-tack-toe apparently convinced investigating committee that smaller quarters would be more appropriate.

First impressions gained by out-of-town witnesses have caused mirth rather than respect for the proceedings. Biggest auditorium in town—in the new Labor Department building—was chosen as a setting for the poorly-attended daily hearings. Magnificent marble pillars, blue velvet draperies, glittering chandeliers and a lofty gold-encrusted ceiling dwarfed even the top-shot industry officials and members of the Commission, while lawyers and scribblers were annoyed by the royal surroundings and the 'no smoking' ban which applies in the auditorium.

While local wags have rechristened the probe the 'radio monotony hearings,' generally agreed that the change to smaller, less formal hearing room has at least made things more comfortable.

Third Week

Technical testimony about mechanics of network operation occupied the Federal Communications Commission chain-monopoly probes during the third week of the industry talkathon. Hearing showed signs of bogging down despite attempts to speed proceedings by ruling out prepared statements.

Nearly half of the sessions devoted to wrangling and dreary description of a mountain of exhibits. Fear the gabfest will drag along for many months was expressed by Chairman Frank R. McNinch as NBC counsel Philip J. Kennessey continued presenting loads of maps and tables for the purpose of furnishing the regulators with every iota of information possibly required in formulating new policies and deciding upon recommendations for Congress.

Description of relations between NBC and other communications companies and opinions that program duplication is not serious, constituted the only significant oral testimony gleaned from four days of interrogation of web technicians, when they were not telling what the exhibits represented and how they were prepared.

Admission that NBC generally plays favorites in making arrangements for transatlantic transmission was drawn from B. F. McClancy, network traffic manager, who gave a lengthy description of physical operations in servicing the web outlets. As a general matter, whenever equally satisfactory service can be obtained from either RCA or A.T.&T. network NBC prefers to do business with RCA (surprise!).

Opinions that program duplication

feats are only a bogey were given by W. C. Lent, allocation engineer, who was on the stand when the week's hearings folded Friday (2) and whose chief contribution during several hours as witness was to identify and explain contents of a 317-page volume of charts, maps and tables.

MILDRED STANTON ACTING MGR. OF WORC

Worcester, Dec. 6.

Miss Mildred P. Stanton becomes one of the few women in the nation managing a radio station when she was named last week as acting director of WORC, succeeding Edward E. Hill, who assumed his post as manager of WTAG on the same date. Hill was appointed head of WTAG last month following the death of John J. Storey.

For nine years Miss Stanton has been secretary to Alfred L. Kleindienst, owner and operator of WORC, and was assistant to Hill.

Kleindienst last week also set Wilbur P. Davis as commercial manager of WORC, succeeding late Walter R. Moran.

40,000 Kids Get WSAI Reminder With Cards

Cincinnati, Dec. 6.

With their report cards, 40,000 pupils of Cincy's public schools receive mimeographed notes calling attention to the Our Cincinnati Schools series of evening programs carried by WSAI, presented in cooperation with the Board of Education and the Cincinnati Council of Parent-Teacher associations.

Dewey Long, station manager, also effected an exchange of time plugs with the local Western Union office. In its quarter-hour time announcements, WSAI mentions Western Union. Persons calling Western Union for the correct time between 7 and 9 a. m. hear: 'The correct time is such and such. Listen to WSAI, 1330 on your dial, and receive the exact time every quarter hour.'

Add: War History

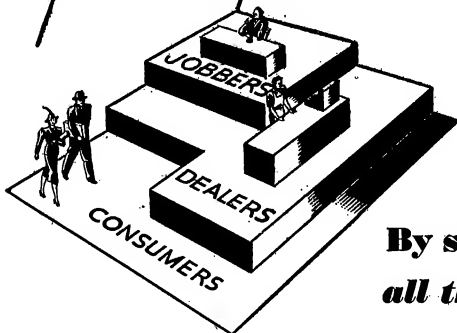
Stanford University's request of the Columbia Broadcasting System that the Czech crisis newscasts be written up in permanent form has resulted in a 10-volume verbatim stenciled transcript of every word broadcast during the 20-odd days of the affair. These documents will become part of the Hoover War History library at the university.

In all, CBS had 100 duplicates made up for its own or others use.

Duane Peterson new assistant treasurer of KRNT-KSO, Des Moines. Replaces Robert Tinchin, now manager of WNAH, Yankton, S. Dak.

In Oklahoma, WKY

steps up sales

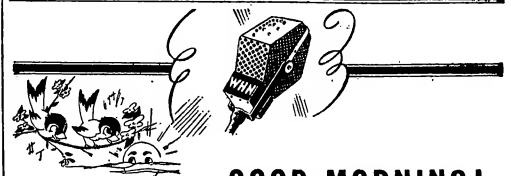


By selling
all three!

WKY • OKLAHOMA CITY

REPRESENTATIVE—THE KATE AGENCY, INC.

OPERATED BY OKLAHOMA PUBLISHING



...GOOD MORNING!

When Polly Shedlove says "Good Morning" her large audience eagerly welcomes her sprightly, human, friendly-neighbor visit. She and her guests bring helpful, entertaining minutes, so crowded with animated conversation that they stay until her final "I'll be dashing along now." Here's the New York participating show for results...on the air every morning from 9:00 to 9:30 a. m.

WNN
DIAL 1010
NATIONAL SALES REPRESENTATIVE
WYNN JETTS & CO., INC.

Coughlinites Picket WDAS, Philly

Laborite Says Priest Should Be Allowed to Attack Anybody—And Be Answered in Kind

Philadelphia, Dec. 6. More than 500 men, women, and kids, carrying signs and flags, and passing out leaflets, picketed WDAS on Sunday afternoon, following the station's refusal to carry the Coughlin broadcast.

First intimation of WDAS's cancellation of the Coughlin show came on Friday, when radio editors of the dailies were quietly called to change Sunday's log. City desks were immediately on the outlie's ear, but no statement was given other than: "WDAS will not broadcast the address of Father Coughlin because of his refusal to submit the address to the station before broadcasting."

At 3 p.m. Sunday, an hour before Father Coughlin goes on the air, the street in front of the station was jammed. At 4 it was even more packed, and at 5, the peak, police estimated there were anywhere from 500 to 1,000 pickets on the scene. They left shortly after that, promising to return next Sunday.

'Social Justice' Clubs

Pickets were all orderly, chief difficulty they caused police being a traffic tie-up as motorists stopped to watch. They said they were members of various Coughlin-organized Philly "Social Justice Clubs." Leaflets stated: "Americans awake. WDAS refuses to carry Father Coughlin's broadcast today. Broadcasts of lesser importance are carried over the air waves without restriction, but this freedom of speech denied a Christian leader. WDAS advertisers depend upon your support. What are you going to do? Those interested further were invited to get in touch with the Loyal Score Club of East Germantown, of which James F. X. Coyle was listed as president.

John Edelman of local CIO declared: "The policy of some individual organizations passing resolutions demanding Father Coughlin be removed from the air is a dangerous precedent. This type of emotional action on the part of labor organizations is in reality the first step toward Fascism. We are bitterly opposed to the type of propaganda spread by Father Coughlin and for years now have registered our protest in many ways. However, we are unalterably opposed to the tactic of keeping anyone from expressing himself... Father Coughlin will only become a serious men-

ace to labor when we attempt to deprive him of his Constitutional rights."

Flamm Reticent

WMCA, N. Y. is saying and doing nothing about the Father Coughlin situation, Donald Flamm states. If Coughlin will submit scripts in advance WMCA will welcome him back, he states.

Meanwhile Flamm has adopted policy of not discussing the matter with any fellow-broadcasters as he wishes to scrupulously avoid any suggestion of trying to advocate his line of action.

Aircasters, Inc. of Detroit, which handles the Coughlin series, is called to attention of anybody seeking information on subject.

NBC Taboos Voices

With F.D.R. Timbre

Washington, Dec. 6. Microphone style similar to President Roosevelt's method of delivery has been added to the list of NBC don'ts with Peter Grant, staff announcer at WLW, Cincinnati, directed to alter his speaking manner because he sounds too much like the nation's No. 1 radio speaker.

Denying any official pressure was responsible, network execs here revealed last week that Grant has changed his technique in response to suggestion from John F. Royal, v.p. in charge of programs. Initial attention-caller was Kenneth H. Berkeley, manager of WRC-WMAL, local web outlets. Incident regarded in some quarters as indicative of broadcasters' jittery condition and fear of offending.

Tut-tut was prompted by recollection the White House a few years ago made representations against mimicry of F. D. R. on the March of Time program. Berkeley felt Grant, whose patter accompanies program sponsored by Avalon cigarettes carried on the red network, might be mistaken by an inattentive listener.

Principal complaint was about timing of words and tone of voice, rather than any deliberate imitating. Change has been noticeable to regular listeners the last few times the cig program has been on the web.

REFUGEES BOOKED

Some Coin Possibilities Follow WHN Showcasing Last Week

Stefan Bardos, pianist and Mme. Toni Newhaus, singer, both of whom appeared on WHN's, N. Y., premiere of 'Refugee Theatre of the Air' last Friday (2) have already secured some employment through broadcast. Ernst Lenart may get a Metro screen test.

Irving Stellof, police commissioner of Newark, hired Bardos and Newhaus for police benefit next week. WHN is not doing any of booking, but is turning bookings over to joint committee of refugee organizations.

Rapped Germany, Talk On Religious Liberty Banned at Controversy

Pittsburgh, Dec. 6.

Scheduled talk on religious liberty by Judge Sara M. Soffel, of Allegheny County Court, over KDKA Saturday morning (3) was banned by station because management considered it 'too controversial.' Address was to have been delivered under auspices of Daughters of American Revolution.

DAR asked Judge Soffel to speak on subject and latter wasn't willing to change her topic when KDKA, after looking over advance script, stated it was unwilling to broadcast speech. "I thought I had a very broad point of view in my talk," Judge Soffel said. "I simply traced the progress of religious freedom from Colonial times and earlier and tried to show the difference between that kind of freedom and what they have in Europe now."

KDKA Manager Sherman D. Gregory explained that "so much is being said, so much written and so much broadcast about the subject we thought it was not good policy to carry it. The script was one-sided, against the present government in Germany, and it is our policy not to let one side of a controversy talk without giving the other side an opportunity, and that in this case seemed to be impossible."

DAR and KDKA substituted speech by R. O. Hughes, of Pittsburgh Board of Education, on "Training the Young Citizen."

Coughlin Buys Space

Detroit, Dec. 6.

For the first time since he hit ozone several years ago, Father Charles E. Coughlin last week used paid advertising in Detroit dailies and elsewhere to bally his Sunday (4) radio address. Prompted by desire to inform listeners on what stations his talk would be heard, since several stations cut off his previous week's address in which he rebroadcast his controversial anti-Jewish blast.

Three column by six inch ads, while showing priest in a fighting mood and ballying time and station in bold type, were designed to give impress that priest's Social Justice matter was footing bill. Latter portion of ads pointed out values of mag. subscription prices and fact 'Social Justice Tells You the Hidden Truth.'

Do Something on Air

Chicago, Dec. 6.

Let's Do Something About It, Inc., which is becoming something of a national movement headed by Merle Potter of Oak Park, Ill., goes on the air for a weekly chin-fest. Time being set through Ruthrauff & Ryan agency here.

Starting with a weekly period on WJJD for midwest airing.

WHB Ups Dick Smith

Kansas City, Dec. 6.

John Schilling, manager of WHB, last week put Dick Smith in program director's chair. A member of WHB announcing staff past five years. Continues mike work on programs to which he is committed. Nelson Rupard of the commercial and publicity staff, gets newly created position as program coordinator. Post of program director was recently vacated by Richard Clark, who left for KVOO.

Darrell Donnell, former Frisco radio ed, beating the drums for Jesse Lasky's new Wrigley show.

Whiteman Disinclined But WNE Action Forced to Trial by RCA Victor

Test case which the National Association of Performing Artists brought against WNE, N. Y., in behalf of Paul Whiteman was on the verge of blowing up last week when the band leader advised Maurice Speiser, NAPA general counsel, that he wanted nothing further to do with the litigation. The situation took a reverse course after RCA Victor refused to agree to withdraw its own ancillary action against Whiteman. Suit is slated to come to trial before Judge Vincent L. Leibell in the N. Y. federal court Thursday (tomorrow).

Whiteman apprised Speiser of his decision after a conference with his (Whiteman's) counsel. Whiteman became convinced that even if he got a verdict in his favor restraining WNE from broadcasting his records the order would only apply to the discs cited in the complaint. There was also the possibility that he would lose much if the award went against him.

Whiteman's Angle

Speiser advised RCA Victor's counsel in the suit, David Mackay, of the likely withdrawal of the action and inquired whether Victor would be willing to drop the action if filed subsequently against both Whiteman and the station. Mackay replied that his client had no intention of even consenting to a postponement; that all his witnesses were available in the city; that a great deal of money

had been spent on preparation of the case and that Victor would proceed to ask for an adjudication of its claim to the exclusive right to license the commercial use of its own records.

Victor intervened in the case after the issues had been joined between Whiteman and WNE. Judge John Knox, ruling on the Victor motion, held that even though the records cited were made for Victor the latter could not be made a party to the Whiteman-WNE suit, but the court would permit Victor to file a separate action. Victor now takes the position that if Whiteman withdraws his suit it will ask the court to declare this withdrawal a default and accord Victor the requested injunction against Whiteman and WNE without a trial.

WKRC Expands Lyons

Program to Full Hour

Cincinnati, Dec. 6.

WKRC Woman's Hour program switched last week from a 30-minute forenoon period to 4 to 5 p.m. stretch, Monday through Friday.

Directed by Ruth Lyons, the program mixes news, fashions, interviews of visiting stage celebs, cookery tips, music and a dramatic serial, the latter by a Federal Radio Workshop unit.

Participation basis.



Only 2 people could save his life!

WSM FOUND ONE IN FIFTEEN MINUTES!

● On Monday night, November 7th, at 10:15 P.M. Jack Harris stepped to the WSM microphone for his regular broadcast of "The World In Review." One of his I.N.S. items had to do with a little boy who had contracted tularemia, the dreaded "rabbit fever" that is often fatal. It explained the treatment of the disease required the blood of a previous victim who had recovered, and there were only two such cases known to health officers in the United States, and that while it was known one person lived in Pittsburgh and one in Cincinnati their names or addresses were not known.

As quickly as a long distance call could be completed a man's voice told the WSM operator that he had been listening to WSM in Pittsburgh... and that he was the man referred to! He then asked how to proceed to get in touch with the victim's doctor.

This incident shows, in a dramatic way, what we at WSM have known for years... that the regular listening audience of WSM, extends far beyond the usual primary area which serves as a basis for our rates. The more than 800,000 letters we receive each year, from residents in all 48 states, show that today's radio listener will tune in a distant, superpower station, that gives him what he wants.

* A unique fifteen minute News feature, Monday thru Fridays, which evaluates and presents, from out of the mass of the World's News, those events and incidents which are of lasting significance or unusual interest to all of America. This WSM feature, with its large and far-flung audience, is now open for sponsorship.



The Faith of Our Audience Comes First.

Line Up Your Product in this Billion Dollar Market

No matter what he sells, every advertiser is hoping to sell more of it—and more profitably in 1939. To each and every one we wish a full measure of success.

When it comes to products on sale in the stores and showrooms of Southern New England, we have a more concrete suggestion to make.

We believe your plans for 1939 will prove more fruitful—and impressively so—if they include WTIC. The most impressive reason for our confidence is WTIC's consistent rating as first choice with both listeners and advertisers in Southern New England.

FIRST In Listener Popularity by 2 to 1
In Number of Network Advertisers
In Number of National Spot Advertisers

Far better than any other statistics, this record shows that WTIC can be a real help in lining up your product for better sales in Southern New England.

50,000 WATTS

WTIC HARTFORD CONN.

The Travelers Broadcasting Service Corporation

Member NBC Red Network and Yankee Network

Representatives: Weed & Company, New York, Detroit, Chicago, San Francisco

AFRA Piqued at Admen

(Continued from page 23)

AGMA, which is currently tied up in crucial struggles with the two major concert bureaus and the Metropolitan Opera, is less likely to come through.

Unpaid Dues
AFRA's action in going to its affiliates for additional coin raises the question of the union's financial status. Although the treasury is known to have been in a weakened condition last spring and summer because of the large number of members whose dues were unpaid, matters are said to have improved greatly since the union obtained its NBC and CBS contracts covering sustaining programs.

Jurisdictional issue between the

Radio Writers Guild and the American Federation of Radio Artists, involving script writers in the Los Angeles area, may be settled without an open break. Each group has named a committee to huddle on the matter and a meeting will be scheduled within the next few days. Doubtful that a final solution of the question will be worked out right away, but it is hoped the two groups will at least assure each other of their peaceful intentions, thus preventing an immediate outbreak of hostilities.

Although its stand constitutes a policy similar to the CIO's 'vertical union' idea, AFRA claims most of the writers in question are also performers. Adds that the men involved have expressed a preference for AFRA rather than RWG representation. Whole situation is regarded as highly combustible, since it might spread into a general scrap between the parent bodies of AFRA and RWG (the Four A's and the Authors League of America, respectively). Such a development would be disastrous to both groups, as AFRA is currently in a critical stage.

Just how the AFRA and RWG committee will proceed toward settlement of the problem is completely in the air. Not even the date of the first meeting has been set. But it is hoped that after mutual expressions of good intention and confidence, the two bodies can take their time about working out a solution. Hitch to that rosy picture, however, is that all the time the AFRA execs are talking about their pacific intentions, their Coast representatives may still be negotiating to represent the writers. It may be somewhat difficult for the AFRA officials to convince the RWG heads of their good faith while their fellow-members are engaged in what the authors feel is deliberate jurisdictional invasion.

Pay Tills on Coast

Hollywood, Dec. 6.
Pay raises ranging from 15% to 50% for directors, writers, announcers and sound effects men has been approved by CBS following parley with AFRA on new scale. Becomes effective in L.A. and Frisco when approved in N. Y. by AFRA's Emily Holt. Agreement gives directors 15% raise, Writers 25%, announcers 33%, soundmen, 50%.

AFRA Christmas Party

San Francisco, Dec. 6.
Local members of the American Federation of Radio Artists will stage their third party, a 'Christmas Mix', at the Dawn Club next Sunday night (11). Burlesques of radio programs and personalities, as usual, will be highlights of the entertainment.

WTAG LAUNCHES QUIZ

Worcester, Dec. 6.
Quiz game has arrived here. WTAG inaugurating a half-hour program Sunday called 'Knowledge College'. Local students answering questions fired at them by Miss Hope Norman. Eligible for competition are employees of Worcester industrial concerns. Top prize is \$10, second \$5—all others receiving merchandise awards.

Lew Rogers, regular station announcer, is handling the mythical college president's role—Fuller-Lore.

Gordon Jenkins may be music director for NBC, succeeding Meredith Willson, resigned.

London Calling

London, Nov. 27.

British Sports Arenas Ltd. renewed for announcements from Radio Normandy.

IBC (Normandy) has recently completed a reorganization with the object of providing additional and more personal service to clients. Two outstanding features are the appointment of Account Executives and the institution of a special production department. 'Behind this reorganization,' said an official of IBC, 'lies a change of policy whereby we shall operate in future on a similar basis to advertising agencies with every client serviced by an account executive. This is the system in force at the National Broadcasting Co. of America, where it has proved to be very successful.'

Edna Best debuting in visio in late Frank Vosper's play, 'Love From a Stranger'.

John Watt to revive radio version of Disney's 'Snow White' on Christmas Day, himself playing Bashful.

Sandy Macpherson won BBC permission to announce his own organ programs, as did Reggie Foort, his predecessor.

BBC picking up a special 'Sunrise in Hawaii' program from Waikiki beach, through station KGMB, Honolulu.

Palace Theatre, Plymouth, will be fifth of BBC 'Famous Music Halls' series, with John Watt emceeing, Dec. 5.

Baird Television cockade because when BBC went shopping for visio receivers it selected 15 of their console models.

Cary Grant did a sneak broadcast in 'Band Wagon' series, cutting it so fine he had to dash from Broadcasting House to make the boat train.

Cire Pearls is using Wednesday matinees on Radio Normandy for a 15-minute version of 'Listener's Digest'.

Radio for the first time provided an important clue in a murder trial here. Case at the Old Bailey turned on a doped drink taken by the dead man, and it was important to determine exact time at which he drank it, and prosecution stated it would be shown this occurred immediately after Jack Payne's band had played its theme song, 'Say It With Music', in a broadcast. B.B.C. evidence, it was added, would show the time to be 3:40 p. m.

Pantomime being the traditional English dish for the Christmas season, B.B.C. aside from any theatre broadcasts or visio excerpts, is putting over series of three programs devoted wholly to the subject Dec. 14, 21 and 30. Scripts have been written by Gale Pedrick, and plan is to give milk previews of leading names in this year's shows. First program will introduce 'Dames', second principal boys and girls, and third the comedy oddments from every show.

'Dames' in first broadcast will include Dan Leno, Jr., Shaun Glenville, George Lacey, G. S. Melvin, Clarkson Rose, Nelson Keys and Fred Miller. 'Bunch' Keys, playing in the Covent Garden pantomime, is joining the company of 'Dames' for the first time.

Harry Tate debuting in visio, with new act, 'Going 'Round the World.'

Paul Rubens is subject of fourth BBC broadcast in 'Theatre Composers' series.

Sax ('Fu Manchu') Rohmer has written plot, music and lyrics for one of BBC's 'What Happened at 8:20' series.

BBC to give the customers two news bulletins Sunday, beginning in the New Year; policy always has been only one, at 8:50, but shorter bulletin is now to be put in at 6 p. m.

Connie Russell to broadcast with Louis Levy's band, for the BBC Dec. 9, as guest star.

Following successful full-length presentation of 'When We Are Married' from St. Martin's last week, BBC is tackling first act at the opening of the Jack Hulbert-Cicely Courtneidge show, 'Under Your Hat', from the Palace.

STATION SHOWMANSHIP

(Attention-Getters, Tie-Ups, Ideas)

Radio Forfeits

Houston.
A new idea in Vox Pop programs, tried out by Dr. I. Q. last week, proved popular. Sponsored by Lee Segal's Metzger Dairies, sponsors of the original Vox Pop and Dr. I. Q. programs. Called the Telephone Treasure Trail, it gives all listeners an opportunity to participate in the program, and it provides the sponsor with a clue to the number of listeners.

Dr. I. Q., asking his question in front of the Rice Hotel, gives each volunteer broadcaster a silver dollar as he steps to the microphone. If the volunteer answers the question correctly he is permitted to keep the dollar. If he fails he is asked to drop the dollar into a milk bottle by the side of the microphone.

All listeners are invited by Dr. I. Q. to send in their telephone numbers written on a Metzger milk bottle cap. During the program one of these caps will be drawn from the box in which they are held. Dr. I. Q. will call the number, and if the person on the telephone can answer the next question correctly he will be sent the money that has been collected in the milk bottle.

On the first broadcast 17 silver dollars fell into the milk bottle, forfeits of those who failed to answer questions.

Needy Family Program

St. Louis.
'Just Around the Corner Club,' a program originated 10 years ago by the late Thomas Patrick Convey, founder of KWIK and designed to aid indigent families during Yuletide through the generosity of dialers has been resumed and approximately 3,500 families will be assisted this year. The program is arranged whereby impoverished families are invited to write to KWIK and tell of their needs. As each letter is received it is given a number. Excerpts from these letters are read over the air, the number given but names and addresses withheld.

Those charitably inclined are asked to write or call at the station where they are given the identity of the family in order they may make an independent investigation. The station does not accept contributions in any form, serving as a clearing house between those who need help and those willing to give it. Since the program was conceived 10 other stations in the country have obtained permission from KWIK to use the same plan, the last being WSAI, Cincinnati.

Lone Ranger Safety Angle

Milwaukee.
As a special promotion for the 'Lone Ranger' Safety Club among Milwaukee children, WTMJ brought Dr. B. L. Corbett of the Milwaukee Safety Commission onto the show for a talk to encourage club membership.

Interviewed by Bill Evans, WTMJ announcer who handles the 'Lone Ranger' series, Dr. Corbett, who has made many safety talks on WTMJ, stressed Milwaukee's leadership.

CAIRNS, AUSTRALIAN, SWAPPED FOR WILLIS

Montreal, Dec. 6.
John Cairns, production controller for the Australian Broadcasting Corp., arrives in Vancouver, B. C., Dec. 17 to change spots with J. Frank Willis, of the Canadian Broadcasting Corp. Maritime Region. Willis left for Aussie Nov. 23.

Waxworks in Canada

Montreal, Dec. 6.
Radio Program Producers and World High Fidelity have organized new transcription setup for production of platters from Canadian scripts and local talent. Five French-language and five English programs have been selected for production beginning next week. Intended to service Canadian stations unable to meet new high tariff on American discs.

ship in public safety among American cities and emphasized the need for education among children to sustain and enhance the city's progress in this important field.

To become a member of the 'Lone Ranger' Safety Club, a child needs only to send a box top from a package of Princess crackers, new product made by Quality Biscuit Co., who sponsor the exploits of the masked hero three times weekly on WTMJ.

GOURAUD AT 6:50

Philadelphia, Dec. 6.
Powers Gouraud had his broadcast time moved up this week to 6:50 p. m. after years on the air at 11:10 p. m.

Move is an experiment by Dr. Leon Levy, prez of WCAU.

ENGLAND'S

Prominent Composer

GUY WOOD

AND HIS ORCHESTRA
Music with an English Accent

ARCADIA BALLROOM
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EDWARD PETRY & CO.
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HARRY SOSNIK...
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CHARLES BOYER—WOODBURY PLAYHOUSE
(ORIGINAL SCORE)

Sundays—9 P.M. EST—**NBC**

JOE E. BROWN—POST TOASTIES

Saturdays—7:30 P.M. EST—**CBS**
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SOUTH AMERICAN PROBLEM

ALL YANKS 'EXPERTS,' SEZ MURROW

Buffalo, Dec. 6. Edward R. Murrow, CBS European director, made two speeches at once here last week. While he was addressing the Men's Club of Temple Beth Zion in a non-broadcast talk, a transcription of an interview with him was being run on WKSW.

When lack of time made it impossible for the director to get a live interview with the CBS official, Special Events Chief Addison Busch arranged to have the mobile transcription unit meet Murrow at New York Central terminal on arrival. Cliff Jones did the Q. part of the Q. and A.

A set of questions was shown to Murrow in advance and he vetoed three or four of the more controversial ones. "After all, I've got to go back to Europe," he explained. "Murrow told the Men's club, 'Whether we like it or not, the answer to Europe's problems will be found not in Europe, but right here in the United States.' He said he had met more 'European Experts' since his return to America a month ago than he had seen in two years abroad. He declared there are not many experts left in Europe because the answers over there are all locked in the minds of three or four men."

Tradition No Good
He cautioned against taking the free press and free radio too much for granted, urged that the United States find a way to make propaganda useful in combating counter propaganda and pointed out the futility of relying on tradition inasmuch as a great deal of same was easily tossed overboard in Europe. In response to questions following the address, Murrow asserted he'd never heard of any evidence that British Prime Minister Neville Chamberlain is anti-Semitic.

The CBS European chief was brought here through arrangements by Michael F. Ellis of Ellis Brothers Advertising Agency and president of the Men's club. Herbert C. Rice, Buffalo Broadcasting Corp. production manager introduced the speaker.

WHODUNITS CALLED BAD FOR KIDDIES

Canberra, Nov. 10. Federal legislators are yelling that whodunits should be wiped from the air lanes. Say that the air is cluttered with gore nightly and proving quite harmful to the kiddies. Radio authorities have promised to check the alleged state of affairs. Yells are probably particularly loud now because the Federal government recently banned importation of crime and sex pulp magazines from the U. S.

One Labor representative asked whether the government would consider putting some one in control to deal with radio censorship, especially as regards murder plays. Prime Minister Lyons stated that the suggestion would be given consideration.

Whilst it's admitted there may be some slight cleaning up in the radio field generally, it's also admitted that whodunits will never be wiped from the air lanes of Australia. Public likes this type of fare.

In Canada

Phil Moran has joined Slim Wilson as second cowboy singer on CJRM, Regina, Sask. Moran's monicker now 'Tex McCoy.'

Regina, Sask., radio stations got double harvest this month because both a civic election and a government by-election were being fought. Time was at premium.

Time-Honored

Regina, Sask., Dec. 6. CKCK has just started Eb and Zeb for R. H. Williams & Sons department store. Going over big despite fact exactly the same series of platters of comic pair were heard on CHWC, CJRM and CKCK at various times in past five years.

Some Table Talk In London About Sending BBC Symphony to U. S.

London, Nov. 25. Broadcasting House officials are agitating over whether to let BBC Symphony Orchestra visit the United States next year or not. Stories circulated to suggest the musicians were definitely booked for the trip, though in fact idea is still only somebody's brainchild.

Corp. might like to send the orchestra across for prestige purposes, but the high cost and the problem of sparing the musicians from London for a long period (they do several broadcasts a week) are principal snags.

Latest bulletin from Broadcasting House—unlikely.

(Musicians union in America is a problem not mentioned in the above dispatch)

BRITISH STATISTICS

Break Down of BBC Programs by Nature of Content

London, Nov. 25. BBC has been keeping tabs on its departments, and in a check-up over a full year has discovered the variety department contributes almost 20% of actual time on the air. Figure counts out Sundays, but allows in all time taken up by news, talks and cultural broadcasts, so, in effect, it means variety's actual part in entertainment output is near to 50% of material aired.

Actual hours of variety transmission from two London stations in a year was 1,616. This cuts down to 31 a week, out of a total of 165 hours of transmission by the two stations from Monday morning to Saturday midnight. Total of programs, live and recorded, was 2,470, averaging 47 a week. Of them, 714 were broadcasts of discs.

Programs included in year's survey: 646 dance band sessions; 282 organ recitals; 215 regular features; 144 'Music Hall' or straight variety shows; 128 light music features; 32 revues; 74 short variety items; 27 variety orchestra concerts; 14 musical comedies; 14 summer remote broadcasts; 11 musical productions.

Figures don't indicate what variety director John Watt does in his spare time.

In Australia

Sydney, Nov. 20. Larry Adler will broadcast next month for the Australian Broadcasting Commission. Deal with Tivoli vaude management.

Two stations working on a 24 hours' grind. First to start grinding was 2 UW on the Albert-Doyle hookup. Opposition is now coming from a station in the six, 2 CA.

Joan Elum, Korda discovery, to do a broadcast chore on Northern program Dec. 2.

Sir Granville Bantock, noted British conductor, here to do a series of concerts for Australian Broadcasting Commission.

Tie-up with Australian-New Zealand theatres permits MacQuarie network to spot overseas artists following arrival. Latest to hit the air for MacQuarie was Bernice Claire.

Both government and commercial stations provided gala coverage on Australia's turf classic, the Melbourne Cup.

THINK RADIO BIZ CAN DO THE JOB

Roosevelt Committee Fails to Endorse Government- Owned Transmitter as Step in Latin Relations

A PROBLEM

Washington, Dec. 6. Pooling of the resources of the broadcasting industry and appropriate Federal departments was recommended to President Roosevelt last week as part of a program for improvement of economic and political links between the American Republics. Objective is to weld 21 countries into a strong hemispherical bloc which will resist the dictator. Ship trends in Europe and improve the financial position of each member of the family.

With a more detailed report still in preparation, President Roosevelt's special interdepartmental committee saw the possibility that airwaves can become a valuable medium in establishing the concord and carrying out the good neighbor policy. In advance of the submission of a concrete program, the general committee advised that radio can be extremely useful in tightening the knots of government and industry.

Important was the committee's failure to endorse the idea of a government-owned transmitter to fire both direct and veiled propaganda at the Pan American listeners. Threat to private enterprise, which took the form of proposed bills in the last session of Congress, was seen to be disappearing, with the interdepartmental crowd remarking on the possibility that the U. S. industry can carry the ball for the government.

Chief suggestions, not requiring any material Federal outlays, were higher standard of American programs and technical cooperation. Following the path already mapped out, the White House advisors called for establishment of better engineering standards, efforts to reduce interference, and constant consultations with authorities in other republics. Visits of Federal Communications Commission experts to foreign capitals, on invitation of the other governments, would be effective in getting the maximum benefit out of international broadcasting, the report noted. Further conferences of representatives from the various nations were proposed, although no mention was made of the subjects which should be taken up.

Special programs for the Spanish and Portuguese speaking countries were suggested. Committee urged that the Agriculture and Interior departments work more closely with the U. S. industry. With talks already in progress, the group suggested the Agriculture Department work with American outlets to frame desirable programs about farm problems and of interest to rural listeners in other nations. In conjunction with efforts of the State Department's new division of cultural relations, the Interior Department should prepare additional educational programs, such as the 'Brave New World' series and make recordings, the report said.

KNX SELLS 50 KW. PLANT TO BOGOTA

Hollywood, Dec. 6. Hollywood, Nov. 29. KNX last week dismantled its recently abandoned 50,000-watt transmitter at nearby Sherman Oaks and loaded it on a steamer for Bogota, Colombia, South America.

Conrad Stanner, who negotiated sale of the antenna for CBS, declared that Brazil government is in the market for 50 kilowatt short wave equipment to combat foreign propaganda pouring in from European capitals.

Amateur Payola

Vienna, Nov. 15. By contributing \$5 to the Nazi government's 'Winter Help' fund a layman with a baton complex can direct one of the local studio bands during what is labeled 'wish programs.' The donor is required first to pass some sort of musical examination.

If the amount is large enough the contributor may precede the playing of the chosen number with a few words into the mike.

Felix Greene in Canada To Arrange Industrial Glimpses for Homeland

St. John, N. B., Dec. 6. Broadcasts originating in eastern Canadian stations will be 'sponsored' by the British Broadcasting Corp., according to Felix Greene, in charge of BBC affairs on this side. Greene is on a tour of the Canadian provinces, consulting with CBC regional directors, and individual station executives, with this objective in view. Arrangements for the broadcasts are being ironed out in these conferences. Greene will be absent from his New York office a month.

All the programs for overseas will be based on life in the native industries of the areas to be covered. Such as coal and gold mining, fisheries, steel manufacturing, lumbering, pulp and paper production, farming, fox raising, fruit growing and packing, shipping, etc. These industries will be dramatized with Canadian casts, solely for the BBC broadcasts.

BBC has decided to make the people, their industries and their lives, of the Canadian provinces, better known to the British public, by means of the programs with the industrial backgrounds, direct from the individual areas. CJCB, Sydney, N. S., CHNS, Halifax, N. S., CILS, Yarmouth, N. S., CHCN, Moncton, N. B., CHSJ, St. John, N. B., CFNB, Fredericton, N. B., CHNC, New Carlisle, Que., CKCY, Charlottetown, P. E. I., CHGS, Summerside, P. E. I., have been considered.

Icelandic Program

Winnipeg, Dec. 6. What is believed to be the longest remote broadcast successfully conducted by any privately owned Canadian station was staged last week by CJRC, Winnipeg, as part of a celebration of Icelandic sovereignty. It was an exchange of greetings between leaders of the local Icelandic community, which numbers 8,000, and Prime Minister Jonasson in Reykjavik, Iceland. Program from both ends also contained music.

Record of the two-way broadcast, which took place at 10:55-11 a.m., was aired late in the afternoon over a hookup which consisted of CJRM, Regina, CJKY, Yorkton, and the shortwave stations, CJRO and CJRX, Winnipeg.

P. & G. Canadian Flash

Regina, Sask., Dec. 6. Procter & Gamble is scheduled to go two hours daily over Canadian Broadcasting Corp. net early in January. Will span 10:45 a. m. to 11:45 a. m., then jump 11:45 hours to 60 min. from 1 p. m., M.S.T.

This will presumably push out Happy Gang, one of most popular CBC sustainers, and is sure to raise a rumpus unless good spot is found for it.

CJRM's Hockey Show

Regina, Sask., Dec. 6. CJRM, Saskatchewan, has sold all southern league hockey this winter to Saskatchewan Wheat Pool, meaning 2 two-hour broadcasts by Grant Carson.

Also tied in Wares' clothing for 15-minute comment before each game.

NEWS CONTROL IN CANADA DELAYED

Montreal, Dec. 6. Broadcasters are somewhat relieved by reports emanating from Ottawa that the Canadian Broadcasting Corp. will not take any steps to clamp down on independent news broadcasting for the time being. In denying that Fascist control and censorship of radio news was contemplated at this time, an Ottawa dispatch states that such questions of policy cannot be determined until the Government's high-powered stations are completed.

Reference is made to a plan on radio news broadcasting which will become operative when the Government is prepared, still leaving the threat of eventual Government censorship and control of radio news on privately-owned stations.

Believed here that Government action on control of radio news would not be taken immediately because of probable general elections next year. And with many publishers and other powerful groups opposed to news control it is not considered likely that the Government forces would care to be embarrassed by a highly controversial issue at this time. Canadian Press proposal to control news over radio may therefore be shelved temporarily.

ROYALTY-STUDDER N. Y. EXPO SHOWS

New York World's Fair has lined up kings, queens, presidents and head statesmen in 17 foreign countries for the 'Salute to Nations' series, which start Jan. 1. Programs will be relayed from shortwave by NBC, CBS and Mutual jointly Sundays at 1:30 to 2 p.m. through April 23.

Countries which will participate are France, Brazil, Canada, Japan, Iceland, Denmark, Netherlands, Roumania, Norway, Belgium, U.S.S.R., Yugoslavia, Italy, Poland, Hungary, Great Britain and Sweden. President Albert Lebrun of France will head the initial stanza. Others set include President Douglas Hyde and Premier Eamon De Valera of Ireland, King Christian V of Denmark, King Carol of Roumania, Lord Tweedsmuir of Canada, King Haakon VII of Norway, Prince Paul of Yugoslavia, King Leopold III of Belgium, King Gustave V of Sweden, and President Ignatz Moscicki of Poland.

Philadelphia's W3XAU Beams at Buenos Aires

Philadelphia, Dec. 6. Construction of two directional antennae, one pointing to South America and one to Europe, was begun last week at Newtown Square, Pa., for W3XAU, shortwave sister outlet to WCAU. Completion of the horizontal V-type aerials will increase the signal strength within the beam from present 10,000 watts to 100,000 watts.

European antenna will be directed at London, with the area inside the beam covering British Isles, major portion of European continent and portions of other continents in the same direction. South American antenna is aimed directly at Buenos Aires, Argentina, which will give W3XAU coverage of Latin America from the Atlantic to the Pacific.

Plans are now being completed for close co-operation of W3XAU with W2XK, CBS international station, so that a maximum area of both Europe and South America will be covered at all times with programs from United States. WCAU will set up a special program department for the short-wave transmitter as soon as it is completed.

COLLEGE RHYTHM

The fifth of a series of articles on collegiate likes and dislikes as regards modern dance music and dance bands.

The writers, staff members of publications at their respective schools, have been asked by VARIETY to give the opinion of the student body as a whole rather than pass personal judgment. Neither has VARIETY given further instructions as to what was to be said or how. These articles appear as the undergraduates have written them, with the expressed opinions being their own.

VARIETY publishes the series to give music men and band leaders a cross-section of current undergraduate opinion on dance music and bands, with the hope that it will be both informative and instructive. For what the college group has to say about dance music is deemed important in the trade.

PENN STATE

By Fred Newmeyer, Jr., '39
(Penn State 'Froth')

The selection of bands for Penn State's four major dances last year proved once and for all that the 6,000 students of the rapidly growing college tucked back deep in the Nittany ranges of Pennsylvania don't give a hoot whether a band is hot or sweet, just so the crew's name has been in six-foot high letters on theatre marquees, shouted over the air for at least a year at the expense of the nation's fastest advertising budget and pasted on records that each every well-treated turntable in the country.

Have a look at this lineup and see if I'm not right. For last December's Soph Hop, they brought Red Norvo to the campus. Then Tommy Dorsey came around the mountains for February's Senior Ball. A month later Will Osborne slid into State College to do Interfraternity Ball. Then Kay Kyser wound things up in May with Junior Prom. Now let's try to fit that lineup into our theory that Penn States look primarily at the magnitude of the name in their band selections.

We've followed Tommy Dorsey ever since he split up with brother Jimmy several years ago and you'll agree that he was right up there very near the top last February when he played State. His waxings of 'Marie,' 'Song of India' and sequels in the same pattern made a wow of an entrance for his nationwide popularity streak last winter. Then his networked tobacco commercial was all necessary to keep the Dorsey name riding high. And if that would have failed, there'd have been a mile-high stack of Victor wax to keep the Dorsey stock above par. So out from the Nittany valley went the call for Tommy and his trombone. Tommy came, Tommy played and Tommy got \$15,000.

Then in the spring NBC, notable builder-upper of names, began feeding out Kay Kyser, also on tobacco time. Kyser had always been a favorite out Chicago way and at a few eastern cities where he had played hotel jobs, but all airings had been single-station, sustaining spots, or over MBS, impotent for national distribution at the time. But it took only a few weeks of Kyser's Music Klass, largely held up by Kyser's cut-up personality and coy, 'How-yall, folks!', to start the popularity ball rolling for the young southerner. Soon Brunswick began pressing his slightly corn-flavored melodies with machine-like precision. Penn States heard about all the rumpus from the Kyser corner, so presto, Kay and Sully and Ginny and Harry and Ishkabibble and the entire band rolled into State one warm morning in May.

With Norvo and Osborne, the clamor for the glamor is again evident, though not quite so much so as in the Dorsey-Kyser instances. Both Red and Will had lots of wax piled in the fraternity clubrooms beside the duos. Red's swing symposiums had big pull for the swing lovers and Will's mellow slip-horn cuteness attracted students with sugar leanings. Irregular sustaining spots on the networks and one nighters about mid-Pennsylvania further kept the Osborne and Norvo names before Penn State.

Let's agree, then, that all four bands did rest high among the nation's big names in dance bands. There's obvious consistency there, but does that line-up show any consistency whatsoever to taste for any type of music? They had Norvo up for swing, Osborne up for sweet, Dorsey up for a middle-course, cold-water tainted pattern, and Kyser up for novelty. Now if Penn State dance committees would have signed contracts in this fashion—Goodman, Basie, Noble and Crosby—or in this fashion—Lombardo, Kaye, Noble and Kemp—we'd had the Nittany Lion a big three-plex for knowing its bands.

Names Count

And if this hasn't converted you to our belief that Penn State picks its bands for names, and not necessarily music, this item should clinch the argument for good. Russ Morgan had been signed for the Soph Hop date in December, but commercial air competitions made him default. Next day, Collegian, State's semi-weekly newspaper, announced that Red Norvo had been signed to replace Morgan. Now Norvo, together with Goodman, Shaw and a few others, has played a leading role as super-debunker of talk the past three years that swing is hobbling around on its last leg. Red, wife Mildred, and Red's widdle have been potent factors in keeping live in national prominence. Red's arrangements are all built on simple rhythm patterns with lots of ad lib solo work, basic stuff in pure swing. But Morgan's band was directly opposite. Russ had, and still has, a full, commercial crew slightly topheavy with full arrangements to please once more, a taste account. Russ' scorings, seldom featuring any solo work other than his own whining trombone, were mostly based on balance ensemble work. No two bands could differ more greatly, yet the switch was made in a very matter-of-fact way, from one name band to another. Morgan could have come, played and left with a check made out to Norvo from a smiling and unknowing dance committee.

Announcement while writing this that Larry Clinton has been signed for Soph Hop this year adds one more conforming case to our theory. Clinton has been soaring on a high pressure buildup the past six months, chief item in build-up being firm support by Radio Corp. of America, with NBC, Victor, and all the other marvelous personality developers under the RCA wing. Yet Clinton can hardly be classified in either the swing or sweet school; his setup is full and commercial, much in the T. Dorsey manner.

There have been a few attempts at State to create some semblance of unity in student taste in popular music, but all failed disgustingly, most probably because the attempts were too rabidly insistent that the great conversion go the hot way. Penn State prof Eddie Nichols, who built up a solid reputation in the authoritative and authoritative contemporary jazz through his record column, 'Wax Impressions,' in the Penn State humor mag, Froth, softly, but convincingly, asserted month after month for four years that the only real virile thing in American jazz lay in the hearts and hands of Louis Armstrong, Jack Teagarden, Bix Beiderbecke, Teddy Wilson, Penny Goodman, Red Norvo, and all the boys who lived and breathed with a lick in their souls. But still the students called for Lombardo, Kemp and the rest, so Pertwee Nichols, seeing the futility of it all, dismembered his priceless wardrobe in Froth.

Then the writer, who had developed a love for swing the way of all present generation jitterbug through stomping in small town dance pavilions and spending a last cent to catch Benny or Red on a one-nighter, stepped wholeheartedly into the crush where Nichols had left off, with a radio column, 'Dilectures.' Less subtly than Nichols, the writer harped for the new deal by trying to force down the throats of Froth readers, the virtues and wonder on Court Basie, Ernie Hawkins, Fletcher Henderson, Jimmie Lunceford and the other Harlem bands he worshipped. But there was no soap here either.

So Penn State may continue to grind out the best farmers in the nation and the best mechanics in the east, but her graduates will never get far in popular music if this thing called swing sticks around as long as we think it will.

(Next week: Dartmouth)

Network Plugs, 8 A.M. to 1 A.M.

Following is a totalization of the combined plugs of current tunes on NBC (WJAZ and WJZ), and CBS (WABC) computed for the week from Monday through Sunday (Nov. 28-4). Total represents accumulated performances on the two major networks from 8 a. m. to 1 a. m. in 'Source' column, * denotes film song, † legit tunes, and 'pop' speaks for itself.

TITLE	PUBLISHER	SOURCE	GRAND TOTAL
My Reverie	Robbins	Pop	42
You Must Have Been a Beautiful Baby	Remick	*Hard to Get	39
All Ashore	Shapiro	Pop	39
While a Sleepy	Shapiro	Pop	37
While a Sleepy	Shapiro	Pop	37
While a Sleepy	Shapiro	Pop	37
Sixty Seconds Got Together	Santly-Joy	Pop	35
Have You Forgotten So Soon	Berlin	Pop	34
Deep in a Dream	Harms	Pop	34
What Have You Got That Get Me?	Famous	Pop	29
Please Come Out of Your Dreams	Words-Music	Pop	27
I Won't Tell a Soul	Crawford	Pop	27
Simple and Sweet	Miller	Pop	26
This Can't Be Love	Chappell	Pop	26
April in My Heart	Paramount	Pop	26
Night Before Christmas	Chappell	Pop	25
My Own	Robbins	*That Certain Age	24
Heart and Soul	Famous	*A Song Is Born	23
Who Blew Out the Flame	Famous	Pop	23
Jeepers Creepers	Witmark	*Going Places	23
When I Go a Dream	Lincoln	*U. of Penn. Mask and Wig	23
They Say	Witmark	Pop	22
I Love, I'd Give My Life for You	Hollywood	Pop	21
Yea Got Me	Lincoln	*U. of Penn. Mask and Wig	21
I've Got a Pocketful of Dreams	Santly-Joy	*Sing You Sinners	20
You Look Good to Me	Bregman-Vocco-Conn	Pop	20
Hurry Home	Spier	Pop	20
Lambert	Spier	Pop	19
Angels with Dirty Faces	Fisher	Pop	19
Say It With a Kiss	Witmark	*Going Places	19
Summer Souvenirs	Bregman-Vocco-Conn	Pop	18
Must See Annie Tonight	Remick	Pop	18
Old Folks	Harms	Pop	18
Umbrella Man	Harms	Pop	18
Girl Friend of the Whirl	Harms	*Garden of the Moon	17
Change Partners	Berlin	*Carefree	17
What Do You Know About Love?	Markis	Pop	15
When Paw Was Courtin' Maw	Santly-Joy	Pop	15
Ferdinand the Bull	ABC	Pop	14
Day After Day	ABC Bros.-Knight	Pop	14
That the Way to Treat a Sweetheart	Olman	Pop	12
Wait Until My Heart Finds Out	Harms	Pop	12
It Serves You Right	Tenney	Pop	12
I Long to Belong to You	Red Star	Pop	12
Your Eyes Are Bigger Than Your Heart	Stensrud	Pop	12
Alexander's Ragtime Band	ABC	*Alexander's Ragtime Band	11
Everybody's Laughing	Kalmar-Ruby	Pop	11
Get Out of Town	Chappell	*Leave It to Me	11
Song of Old Hawaii	Feist	Pop	10
An Old Curiosity Show	Feist	Pop	10
After Looking at You	Robbins	Pop	10

'Decency' Rapped

(Continued from page 1)

show disrespect for any nation, race or religion? Well, I wonder if we can maintain our respect for honor and truth and still respect certain nations there days. Prof. Bernbaum said if you rule out everything else, you're left with the kind of picture which the late Percy Hammond described by saying, 'I went into the theatres a full grown adult and came out sucking my thumb.'

'As for indecency, no one, of course, advocates it; but if we want morally innoxious pictures, we also make them intelligently and emotionally valid. If you want to risk offending anyone, you will never produce great art.' Ridiculing the change made in the film version of 'Boy Meets Girl,' Prof. Bernbaum said in the stage play the girl announced she was pregnant, but an illegitimate baby while in the picture, Marie Wilson, who plays the role of the girl, said in the next breath that she had been married.

Commenting on Claire Boothe's 'The Women,' Prof. Bernbaum said he doesn't see how, under present standards, such a frank satire of a social cancer could be produced in motion pictures but it would be good if it could. The ultimate goal of the cinema industry, according to Prof. Bernbaum, should be to make and encourage pictures which are vivid and revelatory of human life, past, present and future, created not for mere entertainment but for enlightenment, and created and expressed in absolute freedom from any political, conventional or supposedly moral restrictions, except the obligation to eternal truth or what is called artistic conscience.

'Recommending' Group

Denver, Dec. 6. Announced as a 'recommending' body and not acting as a censor, the Motion Picture Council of Denver has been organized with Campton Bell as president. The body will recommend what they call pictures of better quality to its members, said to include more than a score of women's organizations in Denver, among which are the Parent-Teacher Association, Denver Women's Press Club, National Council of Jewish Women, National Council of Catholic Women and the Denver Council of Church Women.

Emil Coleman plays the debbie coming out prize of the year Dec. 27. It's the debut of Brenda Frazier at the Ritz-Carlton, N. Y.

Bob Fosley has succeeded Dan Reardon's band at Hotel Bancroft, Worcester.

McFarland Twins Orchestra (10) With Judy Abbott Rainbow Grill, New York

George and Arthur McFarland are twins who specialize on records and came to attention when with the Fred Waring's Pennsylvanians orchestra on the air for Ford and Old Gold, and more recently with Waring's 'Varsity Show' (Warner Bros. Powell) film for Warner Bros. Before joining Waring, the McFarland Twins, who really look startlingly alike, did a few records on the Duke dance combo around Detroit where they attended Wayne U.

Now showcased in a big league spot atop the RCA Bldg., the Rainbow Grill has a noteworthy dance combo in the McFarland Twins orchestra which, by the very nature of its dual maestroship, gives the combo a good head start on exploitation values.

Current management has sought to ballyhoo the alleged preferences of George for swing music, which is also as good as a unit they mix it up nicely so that their 'sweet and swing time' means something. Both are in tails, both synchronize their voices when they sing, one tackles the clarinet, for example, in contrast to the other's alto sax work, and both use the same right hand synchronizing for a dual conducting. An electric guitar is a feature of the dominantly woodwind and muted brass work of this combo. Judy Abbott, featured vocalist, is too missing to mean much either way with her siring interludes. Abel.

ARTIE SHAW and Orchestra (14) With Helen Forrest Hotel Lincoln, N. Y.

Artie Shaw is one of the coming big boys of the argot of the biz, when a band is on the up-beat it's referred to as 'this season's band.' Of course, there are a couple of others who were here, but pitching and their peak this season, but certainly among 'em is Artie Shaw, with his clarinet-maestroship, which inspires the inevitable Goodman analogy.

Old Gold commercial with Bob Benchley, furthermore, emphasizes Shaw's importance, but essentially it's his modulated and moderated swing that determines his impressiveness. He has a smooth but rhythmically inspiration manner, which his team of 14 interpreters quite handily.

So far as Hotel Lincoln's Blue Room is concerned, there must be an answer to how Mrs. Max J. Kramer (Hotel Edison), who recently took over this hostelry from the Tranchell's, can afford to have a band of this nature in a room of this size. Biz is no panic, or at least wasn't on the dinner session (Tuesday) caught, and even if it were here, it's quite a costly setup for middle-grade hotel of the Lincoln type.

However, apart from any wheres and whynotes, and granting that

Shaw and the management came to terms on a 'showcasing' proposition, Shaw has an impressive orchestra with six saxes, four reeds and a rhythm quartet, and he himself up front on the licorice stick.

His rhythms are compelling and his style distinctive. With the radio building his clench for the Newburg place, and what's more, the others, since Shaw wisely keeps it under control. His featured vocalist is Helen Forrest, a four round, too. Relief combo is Tito and his Swinget. Abel.

BERNARD HILDA Orch Florian Cafe, Paris

Small mainup and specializing in string, Hilda's all-French combo dispenses a brand of music that clicks for teas and in the smaller night spots in this town. Set with one bass, piano, trumpet and three tenor saxes, Hilda can switch to four fiddles as his three saxes double and he plays fiddle himself.

As afternoon crowds lean heavy on the far side, fiddlers help for a good good dancipation on this count and catch some good harmony when they switch to saxes. Lone trumpet seems sufficient in this set-up, whereas others naturally show brass and reeds into background. Hilda is one of few French maestros who keeps music as modern as possible and goes sweet-swing is by no means foreign to his gathering. Hilda, too, croons a fair song in either French or English. Band presently playing at both Florian and Champs-Elysees Night club.

Sociality he has inaugurated himself for tea dance come-on is to invite local film stars and allow customers to quiz them. Claud Briae, local film critic, does a few interviews of season, which is broadcast over Radio 37. Hugo.

Hot Philly Election

Philadelphia, Dec. 6. One of the hottest election battles in the history of the local Musicians' Union was fought here last Thursday, with victory going to a ticket headed by unemployed tooters. Winner for prez was Frank F. Luzzi, unemployed ballist. He got 487 against 446 for Israel Safren, Earle Theatre fiddler.

Vice-presidency went to Romeo Cella, former president of the Local, now a WPA musician. He got 590 ballots to 463 for Louis R. Schvorn, unemployed, and 42 for Anthony Tranchella, sax Teagarden. Rex Riccio, who was re-elected to the post of secretary, defeating Glenn L. Coolidge, his assistant, Harry G. Kanner, former auditor, became assistant secretary by defeating George Hartung. Joseph Bossi Sr., was organized for re-election as treasurer.

15 Best Sheet Music Sellers

(Week ending Dec. 3, 1938)

My Reverie	Robbins
*Two Sleepy People	Famous
All Ashore	Shapiro
Night Before Christmas	Chappell
*Heart and Soul	Famous
*I've Got a Pocketful of Dreams	Santly
Lambeth Walk	Mills
*You Must Have Been a Beautiful	Remick
Mexicali Rose	Cole
Umbrella Man	Harms
Have Your Forgotten So Soon	Berlin
While a Cigarette Was Burning	ABC
Summer Souvenirs	Bragman
*My Own	Robbins
You're the Only Star in My Blue Heaven	Shapiro

* Indicates film musical song. † Indicates stage production song. The others are pops.

Robbins-Metro Proceeds With Own System of Coin Machine Royalty

While counsel for the Music Publishers Protective Association are polishing up the letter to be sent to recording artists on the subject of special arrangements, the Robbins-Metro music publishing combine is proceeding to establish its own new policy on phonograph record royalties. Robbins, which has kept clear of the MPPA's maneuvers in connection with the coin-operated machine problem, wants the disc manufacturers to pay it a full 2c. royalty. Only restriction that Robbins will include in the license involves the performance of the record for a profit, such as broadcasting.

Robbins-Metro explains that it is merely asking that it be paid the royalty sum fixed by the law. If, in the past, it had readily accepted 1½c. it was because it was compelled to by competitive conditions.

All record manufacturers had even before Robbins took its stand elected to pay the 2c. royalty required under the compulsory provisions of the copyright law. This was done after the MPPA advised them that they would have to consent to a new license form which would restrict the sale of the record to home users. MPPA would require an entirely different form of license be taken out for records placed with coin-machine operators.

Letter which is being readied for mailing to recording artists will call their attention to Section 1E of the copyright law which gives the copyright owner the exclusive right to arrange and advises them that they must not use any special arrangements of such works in making records that are to be used for other than home purposes unless permission has been obtained direct from the MPPA. In some quarters of the music business it is felt that the publishers will find it hard to circumvent the use of special arrangements. Topping band leaders, it is pointed out, will refuse to spend their money for arrangements of new material if the playing of this music must be confined to radio and dance jobs.

WILLIE BRYANT FILES BK'PTCY; OWES \$8,495

William S. Willie Bryant, musician, who admits debts amounting to \$8,495, and claims a contingent asset of \$1,000 from Joe Springer of the Plantation Club, in Harlem, under a contract, filed a bankruptcy petition in New York last week. Also filing was Charles Nyary, singer at the Harbath Hunziker, a niteray at 242 East 79th st. Debts at \$3,667, no assets.

Bryant debts included \$2,000 loans from Joe Glaser, Radio City; \$1,000 to Frank Schiffman and Duane Theaters Corp., which operates the Apollo theatre, Harlem; Harry Slatko, of the Nixon Grand, Philadelphia, \$250; Tom Whaley also of the Apollo theatre for arranging music, \$100; Price & Fowler, of Denver, Va., for failing to keep a dance date, \$50; and \$500 for advances from Springer of the Plantation Club.

Shand, Eaton Renewed

Shapiro, Bernstein & Co. have renewed the exclusive writing contracts of Terry Shand and Jimmy Eaton.

Term, like the previous one, is for a year.

Pass Panassie Lecture

Philadelphia, Dec. 6.

Lecture by Hugues Panassie, French swing expert, tentatively set for last night (Monday) in the foyer of the Academy of Music, failed to sell. Local sponsoring group was unable to put up sufficient guarantee. Larry Mallory, head of the 'hot record department at a local phonograph emporium and a personal friend of the French live specialist, was attempting to set the thing in order to help Panassie financially, so that he can stay in the U. S. until about Jan. 15.

Mallory, incidentally, has been responsible during the past couple months for convincing RCA-Victor to reissue three famous 'hot jazz' waxings which had become scarce collectors' items. Still a purchase strictly for the highly specialized jittersbugs, they were originally sold under the Victor label, have now been repressed for Bluebird sale.

Four of the sides are by Sidney Bechet, recognized in Panassie's authoritative text, 'Le Jazz Hot,' as one of the three greatest swing musicians. Recorded in 1932 by the 'New Orleans Feet Warmers,' they are 'Maple Rag' and 'Sweetie Dear' and 'I Found a New Baby' and 'Shag' (based on 'I Got Rhythm'). Other two sides resurrected by Mallory's search-through Victor's master discs are 'One Hour with You' and 'Hello Lola,' recorded in 1929 by the 'City Blue Blowers,' who included Gene Krupa at the drums.

Pepitone's Mishap

New Orleans, Dec. 6.

Jake Pepitone, president and business agent of the local musicians' union, narrowly escaped drowning Thursday night (1) when the automobile in which he was driving alone left the road and bounded over the Lake Pontchartrain seawall into the water. Jumped out before the car settled on the bottom of the lake which was about five feet deep at that point. He swam ashore and walked several miles to his home from the scene of the accident.

Pepitone was returning from a meeting of the musicians' union at the Chez Paree night club at 2:30 a.m., when the accident occurred.

HARRY COX MULLS DISC RETURN

Harry Cox, at one time president of the Columbia Phonograph Co., and for the past several years in the banking business, is reported getting ready to return to phonograph record manufacturing. Cox has of late been in frequent luncheon meetings with Ben Selvin, who was his recording manager and who now holds that post with the transcription division of Associated Music Publishers, Inc. It is also reported that Arthur E. Garmaize would rejoin Cox as his copyright expert and export manager.

An angle of this report that is heavily discounted in the trade concerns the financial alliance of Sir Louis Sterling, who is president of His Masters Voice, Ltd., British record firm, and a heavy investor in Electrical Musical Industries, Ltd. The report had it that Sterling was in on the Cox proposition, but the general impression is that any such move would be contrary to Sterling's best interests when it came to his relationships with RCA.

Paul Whiteman Booking Org Gets Frank Burke

Paul Whiteman's Artist Management office gets some personnel changes this week with Frank Burke, former publicity head for Consolidated Radio Artists, taking over the operation and direction of all public and couple of others coming in Wednesday (today).

Paul Wimbley will remain in charge of all sales, while Norman Campbell, last with Mills Artists, becomes road salesman. Les Leibert, formerly with Columbia Broadcasting, is another newcomer. Irving Srouse, former road p.a. with Whiteman, exits.

D'ARTEGA IN BUFFALO

Buffalo, Dec. 6.

D'Artega returns as conductor of Shea's Buffalo orchestra starting Christmas week replacing Ray Sinatra.

D'Artega was formerly conductor at the house a year ago.

Sammy Kaye Pays Off Music

Pubs with a Bingo Variation; Winning Ticket Worth 5 Plugs

ASCAP's Cincy Office

American Society of Composers, Authors and Publishers has opened its own office in Cincinnati with Samuel Feldman as manager. He comes from the Society's Baltimore branch.

Cincinnati licensees were formerly serviced through a local firm of lawyers, Frenkel & Bently. Jonas Frenkel has been retained as local counsel. His partner died a few months ago.

Sammy Kaye, whose band is currently at the Commodore hotel, N.Y., has introduced the bingo night for songpluggers. Latter can now assure themselves of five network plugs a week, providing theirs is the lucky ticket that plucked from the hat. Kaye has made the game of getting plugs by the lottery route, an added attraction for his Wednesday celebrity nights. He hopes that the stunt will step up professional men attendance at these events. Also that other band leaders won't copy the idea.

As each publisher's rep enters the Commodore's dine and dance room late Wednesday nights he's handed a two-part ticket. He drops one-half in a hat and keeps the other half. At the initial drawing (30) Norman Foley, Witmark manager, matched the winning number. His reward was five plugs for any tunes he chose from his current list. The five would be played off within a week, three on CBS and two on WOR-Mutual.

Would Curb 'Em

On the heels of Kaye's efforts to give the songpluggers some incentive for bettering his sores came the report last week that Walter Douglas, chairman of the Music Publishers Protective Association, was considering initiating an industry movement to curb the practice of 'celebrity night' attendance. Douglas, it was understood, proposed to call together the professional managers of member firms and suggest that they as a unit agree to refrain from letting band leaders make attendance at such events the necessary exchange for a plug.

Douglas admitted last Friday (2) that the idea of instituting some taboo had occurred, but that on second thought he decided that if anything was to be done in that direction it would have to be through the publishers themselves.

REFUGEES' LEGAL MESS

American Society of Composers, Authors and Publishers is unequipped to handle from accepting refugee writers into its membership ranks unless releases are obtained from the foreign performing rights organizations to which they are bound by nationality or previous assignments. ASCAP was so informed last week in a letter from Rene Jeanne, secretary of the International Confederation of Authors and Composers.

Jeanne explained that a special meeting had been called to decide on a policy for refugee writers and that the ruling of the gathering was that, if a composer or author sought to enter a foreign society, the latter must first inquire what society the applicant should belong to, by virtue of his nationality. It will be up to the newly sought alliance to ask the other party from whether it would have objection to his becoming a member of his preferred organization.

Under this ruling, even if a refugee writer in the United States has no foreign society allegiance, he is barred from joining ASCAP until he has become a citizen of his adopted country. As a member of the Confederation ASCAP is bound by its agreement, so that the only way that a refugee writer can get into the society is through the process of requesting releases.

Jeanne also advised ASCAP that the same meeting ruled on the status of author and composer-members of AKM, the former Austrian performing rights society. Since the Nazi government has made STAGMA, the German society, liquidator of AKM, anything pertaining to the latter's members would have to be taken up with STAGMA.

Easy Terms To Hypo Union In Boston Urged

Boston, Dec. 6.

Proposal that the membership books of the local musicians union be opened wide so that every non-union instrumentalist in the city can get in without paying the regular initiation fee has been submitted to both the officials of Local 9 and the American Federation of Musicians. Advocates of this idea contend that it is the only way that the union can overcome the local prevalence of non-union band jobs.

Fred W. Birnbach, national secretary of the AFM, who spoke in Boston recently, declined to lend his approval to the non initiation fee suggestion. Birnbach did say that newcomers could be admitted to the local for as low as \$5.

Jean Marshall taking over vocal chores with Eddie Weiss' Pennsylvanians at Willows, Pittsburgh roadhouse.

Tobani Heirs in Final Defeat

Supreme Court Against Them—Important Bearing on Renewal Cases

Heirs of Theodore Tobani, arranger and composer on the staff of Carl Fischer, Inc., for many years, failed Monday (4) in their final move to capture the copyright renewal rights to Tobani's works when the U. S. Supreme court turned down their application for a review of the case. Circuit court of appeals had upheld a decision of the N. Y. Federal court which declared that Fischer was the only one entitled to the extended copyrights of works which Tobani had written while in the publisher's employ. Songwriters Protective Association aided the Tobani family in its appeal to the highest court.

Issue over the rights to Tobani's compositions was joined when his children, after taking out certain renewals, brought suit charging that Fischer was infringing on these renewals, and asking that the firm be enjoined from publishing such compositions. Fischer's defense was that the works in question had been created while he was an employee for hire, that under section 62 of the copyright law the publisher of such works was the 'author' and held the exclusive right to renew them and that Fischer could

not be sued for infringing on something that belonged to him.

Public Domain

Lower court not only upheld Fischer's claim in full but ordered Tobani's heirs to assign the renewals to Fischer. Appellate court differed in but one respect with this decision. It held that since the heirs had had no right to take out the renewals when these came due the copyrights were now outside the protection of the law and could only be considered as part of the public domain.

Tobani findings are expected to have a far-reaching effect on the renewal rights of many important works currently in dispute between writers and publishers. Part in the Circuit court of appeal's decision, which industry legalites figure to establish a still more important precedent in the controversy over renewals is what these lawyers refer to as the 'obiter dicta,' or gratuitous comment. In the latter the appellate court stated that if the writer assigns his renewal rights at any time during the period of the original copyright he has no alternative but to bid the assignee acquire these renewal rights when they become due. Also that the writer is barred from again disposing of that renewal right.

On the Upbeat

Jack Gillette opened Thursday (1) at Spanish Room of Henry Grady Hotel in Atlanta. Heard over WATL.

Rudy Brown replaced Cliff Burt's crew at Log Cabin Inn, Atlanta.

Leon Belasco takes up the baton again after a brief fling as a film actor.

Arthur Jarrett conducting the Phil Harris crew at Wilshire Bowl in Los Angeles while latter east with Jack Benny.

Freddie Martin follows Rudy Vallee into Cocoanut Grove, Los Angeles, New Year's eve for a long stand.

Blue Barron plays Paramount theatre, N. Y., starting Dec. 7 before going to Rice hotel, Houston, Jan. 9. Returns to Edison hotel, N. Y., in March after one-niting south and west.

Bob Horton set for Easton Hospital Charity Ball at Hotel Easton, Easton, Pa., Dec. 16; Blue Moon Cafe, New

York, New Year's Eve, and Woman's College of University of Delaware, Hotel DuPont, Wilmington, Jan. 6.

Emil Coleman will play the finals of the MCM Waltz contest at the Waldorf-Astoria Hotel, N. Y., Dec. 12. Coleman will augment his regular Sert Room crew with extras, bringing it up to 30 pieces.

Herbie Holmes goes into the Claridge Hotel, Memphis tomorrow (8). Opens at Edgewater Beach Hotel, Chi., New Year's Eve.

Richard Kimber set for Worcester date Christmas, starting at midnight Dec. 25. Booked by Frank Duffy, who is also bringing in Larry Clinton soon.

Four Counts, combo, headed by Harry Turner, current at A. & F. Cafe, Rapid City, S. D., and heard over station KOBH. Recently added two more men but still using same title.

Arthur Humby, nephew of Alfredo Salmaggi and Duke Smith, guitar and piano, respectively, go to Carleoui Yacht club, Clearwater, Fla., for three months. Will work with Guido Salmaggi, singing son of the maestro, Salmaggi.

Paul Spor premed at the Kin-Walows, Toledo, O., nitery, Dec. 3, for indef stay. Leader also runs a local theatrical agency in Toledo.

Stiff Smith, currently theatre touring for CMA, opens at La Salle hotel, Chicago, Dec. 31.

Jimmy Dorsey, Buddy Rogers and Fletcher Henderson play for Hearst benefit at Chicago Stadium, Dec. 14.

Gene Krupa making theatre appearances at Tower, Kansas City, Dec. 23 and Orpheum, Wichita, Kan., Dec. 30, then returns to Coast for Paramount film.

Waldorf Astoria Hotel, N. Y., continues its new name band policy in the Empire Room with the Casa Loma band following Benny Goodman on Jan. 4. Goodman exists to go into the Paramount, N. Y., Jan. 3. Hal Kemp, who has just been re-signed for his Griffin Time and Shine commercial, will probably succeed the Casa Loma crew.

Band Bookings

Eddie Rogers, Syracuse hotel, Syracuse, N. Y., Dec. 31. Exits Van Cleve hotel, Dayton.

Jimmy Richards, Commodore Perry hotel, Toledo, O., Dec. 5, succeeding Chauncey Cromwell.

Gray Gordon records for Brunswick, Dec. 19, in New York.

Al Apollon's crew to Onondaga hotel, Syracuse, N. Y., Dec. 12.

Jay Mills, Edgewater Beach hotel, Chicago, Dec. 3, indef.

Aristocrats of Rhythm, strollers, Dec. 18, Monteleone hotel, New Orleans, La., four weeks.

Don Bestor, Rice hotel, Houston, Tex., Dec. 28 to Jan. 9.

Jack Winston, Athens Club, Oakland, Cal., Dec. 16.

Biltmore Boys, Lamar hotel, Houston, Tex., Dec. 11-31.

Dick Barrie, Brown Palace hotel, Denver, Dec. 17. Current at Statler hotel, Cleveland, 'till Dec. 11.

Frank Dailey, Tampa Terrace, Tampa, Fla., Dec. 10.

Bill Bardo, Schroeder hotel, Milwaukee, Dec. 23, two weeks.

Carl Ravazza, Utah hotel, Salt Lake City, U. Dec. 16, five weeks.

Jack Hamilton, Statler hotel, Cleveland, Dec. 13.

Jack Marshall, Statler hotel, Detroit, Dec. 6.

MEN DESERT ROAD-EAGER SAVITT

Philadelphia, Dec. 6.

Jan Savitt's entire band, playing at the Arcadia-International here, quit him on Saturday night to return to KYW as the house crew, spot they've held for past several years. They objected to his projected plan for going on the road when the Arcadia engagement closes Saturday a week. Savitt opened last night (Monday) with an entirely new band at the nitery. Vocalists Carlotta Dale, Bon Bon, Three Toppers, and terper Jerry Taps stuck with him. He'll shortly start a swing through New England. Handled by Consolidated.

Savitt's exact standing at KYW is apparently in some doubt. Nathan Snader, who was acting director of music in his stead during the leave of absence, has been made director, Jim Begley, program director at the station, said Savitt is welcome back at any time, but must make up his mind whether he wants to remain or hop out on other jobs all the time. Substitute bands, Begley indicated, were unsatisfactory. Savitt's contract with the outlet expires Jan. 17. "We haven't yet considered the question of renewing it," Begley said.

There was considerable wrangling at the Musicians' Union as to the rights of Savitt's men to walk out on him. It was finally decided that they had been contracted to play at the station and they could go back there if they didn't choose to travel. Union originally granted the crew four weeks' leave from KYW to fill the Arcadia date, but this was extended by a proffer from Warner Brothers to play the Earle last week. Following the theatre engagement, Savitt went back to the Arcadia to fill out his four-week commitment there.

NEW MUSIC FIRM FILES

Albany, N. Y., Dec. 6.

Paulbrook Music Corp. has been chartered here to conduct a general music publishing business in New York. Directors are: Paul Gewirtz, Martin Goodman and Fanne Smith. Bernard L. Miller, filing attorney.

Inside Stuff—Music

Publishers are watching the response to 'I Found My Yellow Basket,' the recently unveiled sequel to 'A-Ticket, A-Ticket.' Although followups to a hit almost never click, 'A-Ticket' was such a sockeroo the second section is being watched to see if it upsets the rule.

Robbins published the initial nursery rhyme and didn't want to take the second but was forced to protect itself in the event it did click.

Maurice Richmond's Music Dealers Service, Inc., New York, has increased its capital stock from 270 shares, 150 preferred, \$100 par value, and 120 common, no par value, to \$50,000, \$100 par value each. Papers filed with the Secretary of State at Albany by Leigh & Neckritz.

Artie Shaw's own composition, 'Fantasy on the Blues,' which the clarinet-maestro will contribute to Paul Whiteman's jazz recital at Carnegie Hall, New York, on Xmas Day, will consume 12 minutes. It's No. 2 to the unabridged Gershwin 'Rhapsodie in Blue,' 21 mins.

Music Notes

Dave Snell scoring 'Burn 'Em Up O'Connor' at Metro.

Frank Waxman doing the scoring job on Metro's 'Huckleberry Finn.'

Johnny Burke and Jimmy Monaco assigned to write several songs for Bing Crosby in 'The Star Maker' at Paramount.

Ralph Kraushaar and Cy Feuer scoring 'Federal Man Hunt' at Republic.

Johnny Lang and Lew Porter sold their song, 'Cactus Pete is Six Feet Under Ground,' to Spectrum Pictures for the Fred Scott western, 'Code of the Fearless.'

Freddie Packard's band opened at La Rumba, L.A. nitery.

Leon and Otis Rene wrote 'Dusty Road' for Nelson Eddy in 'Song of the West' at Metro.

RENSELAER AGREES TO USE ALL UNION

Troy, N. Y., Dec. 6.

Settlement of a year-long controversy between Troy local, AFM, and officers of Rensselaer Poly classes and fraternities enabled Bunny Berigan's orchestra to play the Interfraternity Conference ball in the '87 Gymnasium (Dec. 2). After the union placed Institute dances on the blacklist, outside name bands were forced to reject dates. Berigan's unit was the first card-holding one to play in a year.

Under an agreement reached between Troy local and the six fraternities, the latter agreed to employ only union bands. They had contended that rates and regulations made the cost prohibitive for house dances. College authorities kept out of the squabble.

'FIRE SALE PRICES' AT ROOF BALLROOM

Indianapolis, Dec. 6.

Tom Devine, manager of the Indianapolis Roof Ballroom, turned opportunity when a fire in the ventilator closed the Indiana theatre, in which his dance spot is located. While smoke also entered ballroom it was less serious than in theatre. Devine promptly put on a 'fire sale' to lure hoopers to the dance floor.

Advertised special 25c 'fire sale prices.' Phil Emerton Diamonds is current orchestra.

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BERLIN BULLETIN

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WE'LL NEVER KNOW

HAVE YOU FORGOTTEN SO SOON

By Abner Silver, Edward Heyman and Sam Coslow

IT'S A LONELY TRAIL

(When You're Travelin' All Alone)

By Nick Kenny, Charles Kenny and Vaughn De Leath

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Santa Claus Is Comin' To Town

Words by HAVEN GILLESPIE

Music by J. FRED COOTS

LEO FEIST, INC. • 1629 BROADWAY • NEW YORK

Int'l Casino to Go 'Popular' Tempo When It Reopens; Fischer Stays On

With NTG's Midnight Sun fling under the bankruptcy act, and Billy Rose removing his Casa Manana from the nitery field, the International Casino, on Broadway, feels it has a better chance from now on. The newest and most lavish of the Broadway cabaret-theatres, which represents a \$600,000 investment, folds its present show on Saturday (10), to reopen exactly two weeks hence with a refurbished revue.

Clifford C. Fischer, present producer, who holds a 20-weeks' contract, with more than 50% yet unexpired, will continue as impresario. He will revamp his revues, with an eye to less lavishness and 'class,' and more in the 'popular' idiom. Idea is to conform with a new \$1.50-42 scale, as against the present \$2.50-\$3.50 minimums, with the checks averaging \$4 a person. The stiff tariff is ascribed as a major cause for tepid business of late.

Following huddles with Robert K. Christenberry, v.p. and general manager of the Hotel Astor, who is also director-general of the International Casino—put in there by the City Farmers Bank & Trust—was decided Fischer continue producing the revues.

The name band idea may be dropped, but Jay C. Flippen will come in as m.c., and the general tenor of the shows will be for pep and speed. Meantime, the present bands, Val Ernie, Vincent Travers and Eddy Brandt have been on notice and close Saturday (10). Ditto the show. Music Corp. of America will spot in the other dance combos, when the room reopens Dec. 24.

Leon Leonidoff, the Radio City Music Hall stager, was talked about, to put on a succeeding show, although all sorts of policies and ideas have been suggested and discounted. These included a tabloidized 'Sing Out the News,' a tab 'Neglected Follies' (Shubert-Harry Kaufman), a George White show, and an Earl Carroll revue among others.

Ben Bernie also was to have gone in with Leonidoff, since a name band idea was favored, but Music Corp. of America is trying to find a suitable combo that the spot can afford, for reopening Dec. 24.

Otherwise, Fischer wanted to take his show and book it in the presentation houses via MCA, or William Morris agencies, both doing biz with Fischer in handling some of his attractions. This, despite the fact that Fischer also owns his own International Theatrical Corp. The Paris and London showman was to have sailed this weekend, but in view of present circumstances he will not go until Dec. 16.

Union Backing Gives TA Confidence in Fighting Kelly's Chicago Benefit

Mayor Frank Kelly, of Chicago, has this year again refused to permit the Theatre Authority to take 15% of gross on his annual Xmas Benefit, due Dec. 21, with result that TA has instructed every theatrical union within its group to refuse permission for use of their members. Last year, Kelly tried to evade the TA tax and was supported by James Petrillo, head of Chi's musicians local. TA controls all benefits.

TA in 1937 permitted the show from the Chez Paree nitery in the Loop to appear at the show. It was the first time that the TA had tackled Chicago and circumstances forced the okay. This year, the group has full support of all unions, with possible exception of the Chicago musician local.

Barrett Hodes, corporation counsel of Chicago, a Kelly aide, left Chicago for the Coast this week to try and secure some film names for the benefit. Strong TA ties with Screen Actors Guild will also nick that attempt, according to TA.

NVA's Benefit, Elections

National Variety Artists will run off its second annual benefit and its regular elections in February. Majestic theatre has been set for the show Feb. 19. Regular elections will be held following Sunday (26).

Kids Mr. Dies

Indianapolis, Dec. 6. Gypsy Rose Lee, in an interview over radio station WFPM, cracked to Ned de Fevre, announcer, that she feared an investigation by the Dies Committee.

Reason: She had ridden to the station in a red cab.

FIGHT 'MIXING' IN PHILLY SPOTS

Philadelphia, Dec. 6. Mixing of gal entertainers with peons, recently curbed as the result of a drive by Department of Labor and Industry inspectors, is on the increase again, Walter H. Morley, chief inspector, declared yesterday (Monday). Only real ace in the hole, Morley said, is the complaint to the State Liquor Control Board, which can revoke licenses.

Morley said mixing is toughest of night club evils to cure because of the unwillingness of girls to co-operate. They are in constant fear of being prevented from getting other jobs. Invariably, when inspectors find them mixing they swear they are with personal friends, although seldom do they know their names.

Another tough nut to crack is the problem of gals under age working, although Morley said he believes the kids have been pretty much eliminated by now. As soon as an inspector becomes suspicious and demands a birth certificate, or other evidence of age, the femmes skip to another spot under another name. It is almost impossible to keep up with them, he says.

COAST'S \$100,000 RINK

New Westwood Ice Gardens Presents
With Flo Rito Music

Los Angeles, Dec. 6.

Tropical Ice Gardens, all-year outdoor skating rink, with a scenic touch of Swiss chalets flanking the pond, gave out with its first refrigerated extravaganza last week. Turn-out of 5,000 half filled the bleachers and were kept warm by coffee and blanket vendors.

Spectacle is 'lugged' 'St. Moritz Express' and lacks the production of other ice shows in town. Ted Flo Rito's band pipes the tunes. Show is in for as long as it pulls.

Layout represents investment of around \$100,000 made by Westwood business leaders. Rink is open to public skating before and after the show.

Henie In Northwest

Minneapolis, Dec. 6.

St. Paul holds the doubtful distinction of being the only city in which Sonja Henie and her 'Hollywood Ice Revue' failed to sell out. The 7,500-seat Auditorium was little more than half-filled at each of the three performances.

However, here in the 5,200-seat Arena, as everywhere else, except St. Paul, the Henie show drew full capacity and turned many away. Scaled at \$3.30 top, it grossed in excess of \$26,000 for three night performances.

More B'way Vaudeville

Sam Briskman, Maurice Costello and Harold Goldman will convert the Continental theatre on Broadway into a four-a-day, popular-priced vaudeville Dec. 24. House has seen foreign pictures since shuttering as a burlesque house last year. Briskman is former operator of Casino, Brooklyn burley, also shuttered last year. Costello is not to be confused with the former stage star of the same name.

Program will be changed weekly, with permanent band and m.c. installed. Will use a line of girls and acts besides films. A coffee bar in lobby is also planned.

Rose Says Union Demands on Casa Meant Diff of Successful Operation And 77B; Plans 2-a-Day Vaudeville

Bojangles in Pulpit

Philadelphia, Dec. 6. Bill Robinson, current at Nixon's Grand here, stepped out of character Sunday night (4) to preside at the weekly meeting of the North Philadelphia Civic Forum at the colored McDowell Presbyterian church.

'We Negroes must not listen to the talk of communism or any other un-Americanism,' he told the crowd of 400, before switching back to Bojangles and amusing them with his tapping on the pulpit and rendition of 'Don't Say Good-bye to the Blackbirds.'

PICON, TRAHAN HEAD CARD AT NEW VAUDER

Kurt Robitschek's delayed three-a-day vaudeville will bow at the Ambassador, New York, Dec. 23, postponed from Nov. 27, when it was to have opened at the Paladium, see B. S. Moss' Broadway. New spot is a Shubert house and the Shuberts will split 60-40. Thus, Robitschek beats Billy Rose's new straight vaude policy at the Casa Manana in by four days, as detailed elsewhere.

Opening bill will be headed by Molly Picon, Al Trahan, Steve Geray and Bernice Stone plus a line of girls. Shows will hold over two to four weeks, scale 50c to \$1.50.

Squabbling with the waiters union over a proposed wage hike—and another around April—Billy Rose's threatened shutdown of his Casa Manana, New York, was at first suspected of being a tactical move to scare the union organizers into amelioration. However, expressing himself as foreseeing 'two 7's and a B,' which is Rose's way of saying 77B, 'through the added overhead of \$75,000 a year,' the operator of the cabaret-theatre decided to abandon the nitery idea and shift his Casa into a straight vaudeville policy, twice daily, with a 15th show Saturday midnights. Scale \$1.65 top; 99c mats.

That he isn't kidding is emphasized by Rose in that he's cancelled \$60,000 worth of banquet business at his Casa, which, however, he's trying to salvage by shifting as much as possible into his new Diamond Horseshoe nitery, plus the fact that he's refusing New Year's Eve reservations at the Casa, since there will be no night club policy there. Instead, the straight vaudeville idea premieres New York's eve.

Walters Local No. 16 demanded a 30% wage increase and peremptorily stated that another would be demanded in April, when all N. Y. niteries will be re-assessed anew, in anticipation of the bullish cafe biz expected with the World's Fair influx.

Rose says his Casa payroll 360 people, half of whom belong to 'service' unions, and rather than be bankrupted by union demands, he decided on closing while he was still on the crest of a hit. His vaudeville-type cabaret shows have been money-makers and the current lineup tops them all, according to trade standards and from Rose's b.o. perspective.

Since he figures he has been selling vaudeville to a \$4 average check—minimum was \$2.50 and \$3 on holidays and Saturdays—he feels he can do likewise at \$1.65 top, matinee and night, and keep his vaudeville shows running four to 10 weeks.

Talent Problem
Rose realizes there's a talent problem, but feels that by not dissipating the talent too fast—'Hellzapoppin,' ordinarily just a vaude unit, proves there's a dearth of flesh shows—he can do all right. Whereas in yesterday two-a-day, a holdover of a Palace headliner was a rarity, due to the fact that in Greater New York there were dozens of vaudeville houses. Rose's Casa would become the lone two-a-day vaudeville house in America. Kurt Robitschek's similarly proposed policy (now pencilled in for the Ambassador, with a Shubert tieup) is three-a-day.

Jack Pearl, Lupe Velez, Kitty Carlisle, Paul Haakon, Dixie Dunbar, Duke McHale, Gypsy Rose Lee are among people in view for the preem of the new two-a-day. Rose states he can also get picture people and others—Pearl and Miss Carlisle are among them—who heretofore objected to working in a place where they must compete against the clatter of dishes and other distractions. Vincent Lopez will continue in the pit, with the new policy.

Diamond Horseshoe
Rose's new nitery, the Diamond Horseshoe, patterned after the Jim Brady era, premieres Xmas night, and while he recognizes he must contend with labor demands in that venture, Rose feels he can do so by a more modest operation. Even (Continued on page 42)

'EJECT SOURPUSSSES' RECIPE FOR PARTY

Buffalo, Dec. 6. Buffalo's cafe society invited to watch a broadcast interview with Elsa Maxwell over WKBW. Some 200 persons took chairs in Studio One, while party-thrower went into Studio Two (much smaller) for a little rehearsal. When time for the broadcast approached and she saw there was no chair for her she said, 'I'll do it from that other studio—where I can sit down.' Spectators then surged into small studio and audience stood while performer sat. Miss Maxwell gave as a recipe for a successful party, 'If your guests refuse to have a good time, put them out at once.'

THIRD OF A CENTURY ANNIVERSARY NUMBER

of

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Detroit's Upbeat in Auto Industry May Revive Vaude at Mich.; Fox Pic Snag

Detroit, Dec. 6. Resumption of vaude at United Detroit's Michigan theatre isn't an improbability anymore, although actual resumption may be far off. Spot, which seats 4,000, has been showing deals for about six months.

With auto plant employment nearing peak, biz generally here is soaring. Meanwhile, vaude situation at the town's only vaudeville, the Fox, is still up in the air. Spot has been trying to line up sufficient strong films for some time, to enable it to drop flesh in favor of straight pictures. However, upsurge in Detroit biz may postpone action for some time, or for good.

Shubert, Newark, Relights

Shubert theatre, Newark, relights Dec. 24 with a vaudeville policy. House was shuttered most of last season, using only occasional road legit. It's owned by the Prudential Life Insurance Co.

Opening bill will be built around Ben Bernie, with the second, New Year's week show, consisting of a few acts currently at the Casa Manana, New York, including Abbott-Costello and Holland-Hart. Eddie Sherman is booking the house.

Moss Issues Ultimatum To Agent Permit Violators

License Commissioner Paul Moss called all agents to his office yesterday (Tuesday) for a final meeting on licensing and for discussion of proposed agency legislation, including industrial, commercial and theatrical.

Moss declared those who are not licensed by the end of the year will never be permitted one should they be apprehended for violation of the law.

McGee Unit Does Big \$4,500 in Cedar Rapids

Chicago, Dec. 6.

Vaude unit headed by Fibber McGee and Molly, Chicago radio comedy act, cracked all house attendance records in a two-day stand in Cedar Rapids over the past weekend at the Orpheum there.

Played to more than \$4,500. Unit was on a straight 50-50 deal.

VELOZ-YOLANDA BOOKED FOR EUROPEAN DATES

Not having gone abroad since 1930, Veloz and Yolanda are slated for Jack Harris' London spot, Ciro's, sailing this week. From there they go to Monte Carlo, etc.

Dancers closed at Billy Rose's Casa Manana, New York, Saturday night (3), two weeks ahead of the rest of the show, which Rose is running six weeks before going over into straight-vaudeville 100%.

Oshins and Lessy are due back from Ciro's, having curtailed their engagement suddenly. Team was reported not having been paid in full on its contract but had made a settlement with Earl Bailey, Music Corp. of America's London manager, who booked them. MCA also books Veloz and Yolanda.

Oshins-Lessy Settle

London, Nov. 22.

Oshins and Lessy, who came over from America to play four weeks at Ciro's for Jack Harris, settled their differences with the management, who claimed they did not fulfill expectations. He had wanted to cut their salary.

Settlement involved team playing fortnight instead of month originally contracted, receiving salary of \$500 per week as contracted. Management already paid their round-trip fares.

New Hearing on Act

Rehearing of suit of Jack Miller and Janet, skating act, against the Monte Carlo Casino, New York, niter, for breach of contract, will be held in Municipal court, N. Y., today (Wednesday).

Act won default judgment last week when niter operator failed to show in court. Defendants later entered plea to reopen case, which was granted. Act was awarded \$150.

Saranac Lake

By Happy Benway

After going through a period of observation, these newcomers at the Will Rogers are given permish to be up: Joe Reynolds, Inell Guillory, Ted Graff, Patricia Wallace, Grace McDonald, Anna Ball, Catherine Brody and Ann Sagen.

Jerry Vogel sent candy to the following institutions: Stony Wold, St. Marys, Fairbrook, Franklin County and the Rogers.

Peggy McCarthy, who messed around the Rogers' till she got well, here helling the gang.

Phil Wolf, of New York, ogling the lodge while visiting his frau, who's Rogers.

Patricia Minter is one year older. She's doing nicely.

James Meehan now the official mailman and guide at the lodge.

Mrs. William Morris will be with her gang of children at Camp Intermission soon.

Harry Layden; former Scotch comic, reports from Hamilton, Scotland, that he's bedsidin Sir Harry Lauder, who's not feeling so well.

Joseph Vaughney, of Denver, ex-Shubert p.a., has licked pneumonia.

Sophie Tucker sends her greetings. (Write to those who are ill.)

15 YEARS AGO

(From VARIETY and Clipper)

Only eight acts at the N. Y. Palace, but Nora Bayes was doing 37 mins., Wilkie Bard a like-time and Cissie Loftus 28. Bard, English comic, was making his first appearance in four years, but they remembered him.

Mabel McKinley, after several years on the stage, came back to vaude at the Riverside, N. Y., and declared to be better than ever. Capitalized the fact she was a niece of the late President.

American Roof audience growing worse than the old Colonial gallery had ever been. Just in to have a good time, and the acts didn't matter. Getting worse all the time.

Joe E. Howard has a production act at Keith's Boston, with Ethelyn Clarke, eight line girls, three musicians and James J. Morton. Morton stole the show with his ad libbing.

Nazimova getting by at the Chi. Palace with her new sketch. Previous offering regarded as too hot.

Harry Jolson was stopping the show at the Hillstreet, L. A. Working with an audience plant who was a pretty good singer, too.

Frisco complaining that Fannie Brice was doing in the 'Follies' part of the act she saw him do on the Coast. Miffed about it.

Four Coast studios offering the "granted" plan. Made an estimate on studio costs. If too low, studio stood the loss. To attract indie production from N. Y., but it didn't work.

Roadshowing 'Scaramouche' and 'Covered Wagon' on a two-show-a-day basis not so hot in Canadian houses of Allen circuit. People would pay \$1.50 in regular theatres, but not the upped price in the regular pic houses.

American Society of Composers, Authors and Publishers reached an impasse with the M.P.T.O.A., and negotiations were dropped. ASCAP got 'em later.

Hazel Dawn canceled on the Keith time after her showing at the Alhambra, N. Y. Turn was regarded as too suggestive.

Sol Bloom sworn in as a member of the House of Representatives. Immediately introduced two bills to abolish theatre taxes. Admission tax and seat tax.

Mineralava finally held the finals in its Valentino beauty contest. Attracted about half a crowd to the Garden.

Ben Bernie getting out a four-page paper about Ben Bernie the band, and Ben Bernie. Mostly about Bernie, but regarded as a good plug.

Night Club Reviews

YUMURI, N. Y.

Eliseo Grenet Orch., Don Mario, Ricardo Sandranel, Audrey Ely, Nena Montes, Los Marineros.

Reopened earlier in the fall under the operation of Frank Martin, this cellar Latin niter is now using two bands, having added Eliseo Grenet's dance orchestra (8), recently arrived in New York from Cuban engagements. Don Mario's show band is help over.

Grenet, writer of rumbas, is also broadcasting for WMCA, N. Y., twice weekly. With Grenet working at the piano, his outfit includes two clarinets, two guitars, a bass fiddle, a hand drum and a trumpet. Orchestra is likely to draw here, with Grenet being well known among the Latins.

New show also includes Ricardo Sandranel and Audrey Ely, who work singly and together. Former is a Mexican tenor, who specializes in numbers of his homeland, while Miss Ely, a tall, attractive mezzo soprano, does operatic and lighter classical numbers. Both played only one club engagement prior to coming here, both out of town. Miss Ely has a good voice and technique.

Mario, who doubles as director of the show band for m.c.'ing, is doing less chatter than he did previously. Nena Montes, single Spanish dancer, and Los Marineros, team, are holdovers. Both acts have improved vastly. Club specializes in Cuban-Spanish food.

PERSIAN ROOM

(HOTEL PLAZA, N. Y.)

Morton Downey, Maurice & Cordoba, Eddy Duchin Orch., Don De Vodi Orch.

Morton Downey is the new luminary at the Persian Room and a surprisingly socko cake interlude. Coming back on the heels of favorable reports from the Coconut Grove at the Hotel Ambassador, Los Angeles, he's a zealous song purveyor as he self-accomps at the grand piano. Downey has heretofore been identified primarily with the mike and the rostrum, although not altogether a stranger in a cafe.

There's something about the Persian Room's class aura that has made many a standard act flinch. Instead of bowing to its austerity, however, Downey is doing a surprise stunt of injecting an al fresco atmosphere, a good idea. Anything goes to make a room unbend if okay b.o. and it's something extra at the Hotel Plaza.

For the rest, the show is standard. Maurice and Cordoba are back with their class ballroomology, including

an original tep routine they call the Mauroba, coined from their billing. Team is impeccable sartorially and, fortified with the basic tep appeal, they're highly acceptable.

Eddy Duchin's dunsation, of course, is not only something that seems to go with the Persian Room's lease, but it's as zingy as ever. Duchin is a dandy personality up front, maestraing and m.c.'ing: Don De Vodi is the alternate combo for the Latin rhythms. Duchin has refurbished his band a bit, but it's still effective, including that perky trumpet. Paul, who has been some 30 years at the door, still watches over his baby, the Persian Room.

His devotion to the maintenance of a certain standard in decorum, deportment and patronage of the P.P. is something that's been a saga among cafe and hotel maitre d'hôtels. It's a great human-interest story.

There's also an answer somewhere as to why seemingly aloof head-writers must maintain that stand-offishness in order to preserve certain amenities. Sometimes they stand off with the wrong people, and the hammers come out, but their batting average on human values is not bad, everything considered, Abel.

MUSIC BOX, FRISCO

San Francisco, Dec. 1.

Sally Rand, Dora Maugham, Alan Corney, Three Nonchalants, Flower and Paul.

Sally Rand, plus fan and bubble dances, heads the 'Star Studded Revue' at the Music Box. Running more than an hour opening night, the dinner show started Miss Rand's four-week engagement at this historic spot with a bang.

Miss Rand is the biggest name to play a local niter since Gus Van held forth at the Bal Tabarin about a year ago. Entire production, which is one of the best to hit a local cafe in some time, was conceived and staged by Miss Rand. Lack of rehearsal time (Miss Rand came here directly from Los Angeles, where she had an engagement at the Biltmore hotel) snagged her opening dinner and supper shows slightly but that undoubtedly will be corrected with playing.

During the opening dinner show Miss Rand did the fan dance. At the (Continued on page 42)

JACK and JUNE

BLAIR

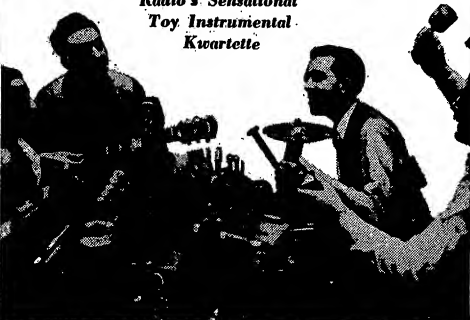
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CHICAGO

AMERICA'S SMARTEST THEATRE RESTAURANT

Gags That Break the Critics' Backs

Honorable-Society-of-Weary-Newspaper-Critics-Assigned-to-Cover-the-Earle-Theatre, at its regular meeting in the lobby of the Earle last Friday (2), unanimously adopted a vigorous resolution against three gags repeated regularly at the place each week. Better break was promised all acts which forego them. Resolution called on Variety to call official attention to the tabus for the general good of the cause and the particular benefit of the HSWNCACET, which is compelled to listen to them.

First isn't one gag, but a whole general classification, i.e., the WPA worker joke. For example (this is one of the better ones): 'Just read that a WPA worker broke his neck. Termites ate through his shovel handle.'

No. 2 on the nix list goes like this: 'Where've you been?' 'In Hollywood.' 'What were you doing there?' 'Making pictures.' 'Making pictures? I didn't know that.' 'Sure, one like this (full-face) and one like this (profile).'

Then there's the third repeating itch. It must be admitted, however, on this that its touch of blueness makes it good for a few chuckles from the Earle audience no matter how many weeks in a row they hear it. It goes: 'What have you got there?' 'A telegram.' 'From whom?' 'From my wife.' 'What does it say?' 'She just had triplets.' Straight man then congratulates the stooge, until he learns that the fellow is out of work. Taking an interest in the sad case, he asks him what he can do, enumerating jobs like ditch-digging, truck-driving, acting, etc., etc. Guy can do none of them. Finally, in desperation, the s.m. asks, 'Well, what can you do?' Stooge doesn't say a word. Just hands him the telegram.

PHILLY EMA, KELLY, FEUD ON AUDITIONS

Philadelphia, Nov. 6. Smoldering feud between the Entertainment Managers Assn., booker group, and Tom Kelly, biz agent of the newly organized American Federation of Actors local, flared into the open yesterday (Monday) over which group would audition acts.

Several weeks ago, Florence Bernard, prez of EMA, announced her group would provide space in a downtown hotel one Sunday night a month where all agents could audition acts. Kelly Thursday (1) declared he wouldn't allow any AFA members to show up. He'd hold auditions of his own, he announced, to which cabaret owners, buyers of the acts, would be invited. Miss Bernard, meantime, had already invited the cabaret owners, which burned Kelly still more.

Kelly said he doesn't want the EMA to run the auditions because 'it won't give an act the proper break, nor will they provide proper settings and surroundings. There's no human side to an agent,' he declared. 'All they're interested in is their 10%.'

Meantime, Kelly held a confab with the Night Club Owners Assn. Wednesday (30) on closed shop agreements. All hesitated being the first to sign and another meeting is scheduled for tomorrow (Wednesday). Miss Bernard will also address it. Kelly threatens pickets around every spot that doesn't come through with an agreement tomorrow.

Det. Theatre Converts Into Nitery; 2 Philly Cafes Open, Other Spots Off

225 WEEKS IN MONTREAL

Atterbury Spoofers Move on to Delmonico's, Miami

Montreal, Dec. 6. Henry Atterbury Players, dramatic stock company doing burlesque versions of old-fashioned mellers, close at the Chez Maurice Saturday (10) after 225 weeks in Montreal. Company was originally at the Corona hotel, later moving to the club. Players are booked into Al Delmonico's new restaurant in Miami, Fla.

Detroit, Dec. 6.

Downtown theatre, erstwhile RKO showcase here, will be converted into Detroit's first theatre-restaurant, opening Dec. 26. New Downtown Casino Corp., capitalized at \$50,000 by local business men, will be headed by Sidney R. Berman as managing director.

Planned to seat around 2,000 on lower floor of theatre, which has been dark for past couple of years. Balcony, with 1,200 seats, will remain as is for time being as a spectators' gallery.

Differing from the French Casino (N. Y.) idea, and following the successful plan inaugurated at Westwood Gardens here several years ago, new Downtown Casino will have general admish of 50c with payee having privilege of spot rest of evening without further charge.

Spot will highlight name bands, specialty acts, two one-hour shows nightly, and weekly change of bill. Weekly budget will run around \$5,000. Present stage of theatre will be extended into a circular-raised floor, with dancing room for about 700 couples. Plan is to shutter Casino during July and August each year.

NTG'S MIDNIGHT SUN CABARET IN REORG

Nils T. Granlund (NTG), as president of the Swedegan Restaurant, Inc., which operates the Midnight Sun, the Broadway nitery which a few months ago moved into the spot formerly occupied by the Frolics cabaret, in the Winter Garden building, on Saturday (3) filed a petition in N. Y. Federal Court for permission to carry out an arrangement with creditors under Section 323 of the Bankruptcy Act. The petition lists the debts of the corporation at \$38,721, exclusive of contingent debts, rent, due bills, etc., of \$67,720. Assets are placed at \$28,401.

In his request Granlund informs the court that creditors are willing to receive 45% on their bills, the payments to be split up monthly, starting Feb. 1, provided the corporation is permitted to carry on the business. It is pointed up in the application that the corporation was obligated to a five year lease of the premises beginning Sept. 19 last. The lease calls for \$10,000 rent the first year; \$12,000 for the second and \$13,500 for each of the remaining years. Most of the salaries due to the chorus girls, musicians, waiters and other employees have been paid, the petition says.

NTG is working out a deal with the Dreier hotel chain to double the nitery show at his Midnight Sun into the Silver Ballroom of the Capitol hotel, N. Y., on New Year's Eve. He also has concluded a deal with operators of the Merry-Go-Round, Newark, N. J., nitery, to produce shows regularly for them, starting Dec. 15.

Del Courtney's orchestra, being picked up by WGY for NBC, now has in support at the Rainbo Room of the New Kenmore Hotel, Albany, the dance team of Ruthenia and Malcolm, Ruth Wayne, blues singer, and Philis Dare, novelty terper.

2 New Philly Cafes Philadelphia, Dec. 6.

Despite low biz in Philadelphia niteries this season, two new ones entered the lists during the past week. One is Chez Cherie, in the Hotel Majestic, operated by Jack Alexander, caterer at the hostelry. Other is the Shipdeck, opened by Charles Kessler, a real estate.

Club Africana, opened a little over a month ago by Mrs. Harvey Lockman, has switched from Negro to white entertainment. Only reason given for Africana's shift was difficulty in getting sufficient number of good Negro acts. With several spots now specializing in this type of show, and Nixon's Grand opening, too, for colored shows, price on the talent is understood to be soaring.

BERLE, GRACIE BARRIE SET FOR CH'S CHEZ

Chicago, Dec. 6. Milton Berle has been set into the Chez Paree here, starting Dec. 23. Likely that Berle will stick there for seven weeks.

Gracie Barrie also on the bill.

"HOME OF SWING MUSIC" in Chicago
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MPLS. CLAMPS DOWN ON CAFES

Minneapolis, Dec. 6.

The lid has been clamped on here again against gambling and curfew violations. Surprise raids, engineered by a citizens' committee, with the assistance of the sheriff's office, revealed several elaborately equipped gambling houses and numerous gambling devices in a number of night clubs and beer parlors. Only one arrest was made.

While the heat is on, all night clubs are laying low once more. It's a periodic occurrence here, although most of the time during the past several years the town has been wide open.

Even most of the more pretentious niteries, with floor shows, claim they can't exist unless they disregard the 1 a.m. closing law and continue selling liquor without time restrictions.

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AND HIS MARIONETTES
PARADISE CAFE
NEW YORK
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PALACE
MILWAUKEE

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MOUNT ROYAL
LONDON
That's All

Best Coffee in England
QUALITY INN
Leicester Square
LONDON, WEST-END

ROGER PRYOR
AND HIS ORCHESTRA
Lyric, Indianapolis - NOW
MANAGEMENT M. C. A.

REORGANIZED H'WOOD REST. PREEMS TONIGHT

The Hollywood Restaurant, New York, reopens tonight (Wednesday) after numerous delays and an extensive-face lifting. Spot, in 77B since last spring, was scheduled for an October opening. Refurbishing included the addition of a street floor bar made possible by the elimination of a drugstore directly underneath. The Hollywood Deck runs through from Broadway to Seventh avenue, the facade at each end built in steamship style, including port-holes, etc.

Opening bill includes no names. Spot will have four bands. Talent comprises Bob Russell, singer; Peg-per January, swingstress; Hal and Honey Abbott, dance team; Baby Alyce, acro; the Collegiate Sextet, dance group a la shag, and a girl line of 12 or 14. Latter is exclusive of showgirls. Bobby Sanford is producing. Initial production set to stay about three months except for occasional act turnovers.

Band situation produced a squabble over which crew was to be featured. It finally had to be ironed out by Local 802. Lee Shelley and Seger Ellis head the bands, latter featuring Irene Taylor, vocally, plus a new 'choir of brass' style. Shelley is supposed to have been the first band signed, which, according to union rules, automatically made it the featured band. Now Ellis is squawking. The Rimacs. Latin string outfit, also will cut in for part of the show. Red Stanley's small unit will give out on the downstairs Deck.

Report Gypsy Rose to Quit Unit This Wk.; Set for N.Y.

Indianapolis, Dec. 6. Gypsy Rose Lee, appearing currently at the Indiana theatre here, heading 'Hollywood to Broadway' unit, is reported to be leaving show at end of engagement Thursday (8). She claims to be considering an offer to appear in a New York show, also an opportunity to go to England.

Miss Lee's unit is scheduled to fold Dec. 16 after its week at the Shubert, Cincinnati. It will have completed eight weeks since it started from the Coast.

William Morris office has booked Miss Lee solo into Loew's State, New York, early next month. Also likely that Jack Durant, now with the unit, will play a single at State shortly.

Vodery Chartered
Albany, Dec. 6. Will Vodery's Artists Corp. has been chartered to conduct a theatrical business in New York. Capital stock is \$10,000, \$100 par value. Directors: Will H. Vodery (holder of 28 shares), Harry Vodery and Dorothy Godozo (owners of one share apiece), all of N. Y.

NITERIES SKID ON THE COAST

Hollywood, Dec. 6. Nitery biz here has hit the skids and operators are worried. They concede that the interval between Thanksgiving and New Year's is always a low ebb but this year the drop has been alarming. Those who can weather the depress are hanging on for the holiday period but the mortality rate after that is expected to be the most severe in years.

Hardest hit are the dens in the county strip, that territory between Hollywood and Beverly Hills. Unless the gay blades air out their bankrolls after the year's turn the shutters will go up on a dozen spots.

No one seems able to put a finger on the cause of the slump other than the stock reasons—too many and fed up. Even the elimination of covert charges and minimums has not given any encouragement.

Earl Carroll unveils his theatre-restaurant here Christmas night.

Balto Niteries Hit
Baltimore, Dec. 6. Local niteries taking it on the chin with most of them holding on hopelessly for possible New Year's Eve tilt. Sam Lampe's O'Clock club has been weathering depression well along with the 12-year-old Oasis, downtown spot operated by 'Sheriff' Max Cohen. Lampe has John Steele heading current show, a repeat. Recent change in local law setup has police strictly enforcing 2 a.m. curfew, with many spots feeling loss of late take badly. Intimate spots and hotel cocktail rooms, with no show and soft music, holding up in good style.

AFA-N. Y. THEATRES MEET TODAY (WED.)

Meeting of representatives of the American Federation of Arts and the New York theatre labor committee, headed by C. C. Moskowitz, of Loew's, is scheduled for today (Wed.) to discuss demands of AFA for organization of N.Y. houses using stage talent.

Indications are that the AFA wants a guild shop, plus a \$60 minimum for all artists.

Bob Crosby Booked For 2 Weeks at N. Y. Par

Chicago, Dec. 6. Bob Crosby's orchestra set for two weeks at the Paramount, New York, starting Jan. 27.

Crosby last week finished week in the Chicago here following long stay in the Blackhawk nitery. He's now on the road.

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Bryant 9-7800

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GENERAL MANAGER
SIDNEY H. PIERMONT
BOOKING MANAGER

ST. L. CAFE FIRE
St. Louis, Dec. 6.
The Rock House club, river-front
nitory operated by Alexander Plan-
tanida, suffered \$500 damages by a
fire of undetermined origin last
week.
Fire occurred in the early a.m.
at 1000 North 1st street.

Numerals in connection with bills below indicate opening day of show, whether full or split week

CLAPHAM
Granada

EVANSVILLE
Majestic (8-10)
Modern Varieties
WASHINGTON
Capitol (9)
Texas Comets
6 Philharmonicas
Collins & Peterson
Bea Saxon
Boy Foy

mount

Ross, Pierre & S
Storms & Lee
Paul Nolan
KANSAS CITY
Newman (0)

MINNEAPOLIS
Rochester (0-10)
Major Bowen Co
MILWAUKEE
Palace (2)
Hal Kemp Oro
Paul Remos
Billy & Irene
Jack Lemaire.

CLAPHAM Granada Eddie Gordon Lovelite	ISLINGTON Bine Hall Bobby Howell B Cora O'Farrell Eddie Kayne
EAST MAN Granada Trolse Mandollers Frazier	SHEEPHEADS BU Favillon Archie Glen G & C O'Grmond South China
SAM LINFELD CO 3 Sandler Sis Jones & Thomas GREENWICH Granada Trolse Mandollers HAMMERSMITH Palace Archie Glen G & C O'Grmond South China	STRAITFORD Broadway Sam Linfield Co 3 Sandler Sis Jones & Thomas
HOLLOWAY Granada Eddie Gordon Lovelite Youngman Bd	TOOTING Granada Eddie Gordon Lovelite

Week of December 5

ABERDEEN	Pat Kirkwood
Tivoli	Alex Lennox
Barnbell's Co	12 Loretta Gls
Jack Le Dalr	N & P St John
Gautler's Dogs	Marwood & R
DUNDEE	LIVERPOOL
Palace	Shakespeare
Arthur Tracy	Herschel Henley
Cable & Carr	Hope & Ray
A J Powers	Stella Marie Sls
Rooklyn	Alf Thomas
EDINBURGH	George Prentice
Royal	Anona Winn
Harry Gordon	Wilkie Bard
Jack Holden	Joe McCoy
2 Schenks	

NEW YORK CITY	
Armando's	Nicholas Bros
Buddy Clarke Oro	Berry Bros
Sigrid Lassen	W C Handy
Bandbox	Dandridge Sis
Jim Lunceford Oro	Sister Tharpe
Dan Grissom	Mae Johnson
	Timmie & Fred
	June Richmond

Angela Velez
Casser & Bowie
Nellie Paley
Bill Bertolotti's
Angelo's R'hmba Bd.
Illis Dion
Eleanor Etheridge
Velyne Hague
Helen Dell
Roberta Kent
Bill's Gay 80's
Charles Touchette
John Panter
John Elliot
Don Cortez

Harold Willard	John Kirby Orr
Arthur Behan	Mildred Bailey
Harry Donnelly	Greenwich Village
Spike Harrison	Casino
Bernie Grauer	Ray O'Hara
Joe Howard	Larry MacMahon
Stephen Hes	Valerie Dumont
Madge Moley	Lola Rooke
Mabel Pearl	Gloria Manet
Boulevard Tavern (Elmhurst, L. I.)	Bea & Ray Go
Continental Thrill's	Havana-Mad
Mao Arthurs	Nano Rodrigo
Cameron Crosby	Juanito Sanabriga
Audrey Noonan	Carlos & Carito
Donna & Darrell	Pancho & Dolores

Nivola Francis
 Bobby Bennett
 Jan Fredrick Ore
 Brick Club
 Hot Lips Page Ore
 Casa Cubana
 Oscar Calvert Ore
 Bill Ozcar Ore
 Danos
 Gloria Belmonte
 Galvan
 Lita Linares
 Cesar & Dolores
 Casa Manana
 Vincent Lopez Ore
 Yvonne Manolo Ore
 Lou Holtz
 Holland & Hart

Helen Morgan
 B. Miner
 Gaston Palmer
 Della Lind
 Edna L. G. Grafton
 Helen Reynolds Giss
 Betty Hutton
 Gladys Hutton
 Chex Firehouse
 Al Evans
 John Haystrand
 Tony Krabets
 Clifford
 Club 16
 Jack White
 Jerry Blanchard
 Doc Lee
 Shad Mitchell
 Pat Harrington
 Frankie Myers
 Edna L. Grafton
 Lella Gaynes
 Diana Costello
 Grew Williamson
 Gladys Hutton
 Ray Heatherton
 Belmont Ballalack
 Edna L. Grafton
 Phil Spitznagel
 Maxine
 Evelyn Kaye
 3 Little Words
 Rose Lee & Loe
 Ginger Harmon
 Hotel Commen
 Sammy Kaye
 Hotel Eden
 Lee Brown
 Miriam Shaw
 Johnny Johnson
 Hotel Essex
 Nat Brandwynn
 Edna L. Grafton

Club Gancho	Eddy Mayhew
Dimitri & Virgil	Betty Gale
Rumberos	Hotel Linea
3 Ganchos	Artie Shaw Or
Eduardo Sandoval	Helen Forrest
La Carmelita	Hotel McAl
Nedra Madera	J Messner Or
Club Yumuri	Gonzales & M
Don Mario Oro	Jeannne D'Arcy
Eliseo Grenet Oro	Hotel New Y
Nena Montes	Tommy Dorsey
Ricardo Sandranel	Peter Kent Or
Audrey Ely	Edythe Wright
Cotton Club	Jack Leonard
Cab Calloway Oro	3 Esquires

Duke Donnelly
 Maurice & Cordoba
 Hotel Roosevelt
 Gus Lombardi
 Hotel Savoy-Plaza
 Emile Pettit (iro
 Lew Parkerson
 Dwight Fliske
 Hotel Sherry-
 Netherlands
 Tcharkovsky Oro
 Geo. G. G. G.
 Basil St. Morits
 Basil Fontene Oro
 Yvonne Boulver
 Theodore & Denesha
 Hotel St. Regis
 (Fridrum Room)
 Charles Baum Oro

kyal Lunxhead Byrn
 Onyx Club
 Jack Jewley Oro
 Merry Jones
 Carl Kress
 Fulham & Fk Shops
 Jack Coors
 Sulheim Health Inn
 Eric Correa Oro
 June Lorraine
 Marcia Harris
 Alice Drey
 Kenneth Bostock

Place Elegante
 Bill Farrell
 Bennu Kaul
 Tommy Mills
 Joe
 Wally Shulan
 Leo Lazaro Oro

Simpson
 Doreen Lewis
 (Malsonette Kneae)
 Matherly Ore
 Eva Ortega
 Serge Belasetzky
 Serge Abagot
 Edna Fay
 Michael Greben
 Hotel Taft
 Enoch Light Ore
 Peggy Mann
 George Hines
 Lillian Brude
 Hotel Waldorf
 Astoria
 (Empire Room)
 Benny Goodman Or
 (Sart Room)
 Emil Coleman Ore
 Lillian Jackson
 Eva Draper,

Harrington Guy
 Valda
 Mabel & Pulte
 Collins & Beasley
 Aun Long
 Lillian Fitzgerald
 Conway & Parks
 Jackson
 Bernie
 Les Simmons
 Paradise
 Dick Angie Ore
 Dean Carroll
 Harry Jackson
 Noll & Noland
 Fred
 Gloria Day
 Moxie
 Tex Pepper Pot
 Bud D'Andrea Ore
 Harold Alpoma Ore

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OLIVE WHITE
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BALLARD and RAE**
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•

MORE NEXT WEEK

<p>Hotel Warwick Gerry Morton Oro Dell O'Dell</p> <p>Hotel White John Uppman Cassandra Lew Cobey</p> <p>Ringaria Gene Kardos Oro Bela Villanyi Oro Byrnes & Swanson</p> <p>International Casino Vincent Travers Oro</p>	<p>Bill Scully O'Hanlon & Del R Jimmy Calva Peggy Browne Barbara Lane</p> <p>Queen Mary Joe Ellis Oro Peggy Ware Katherine Tate James & Palmer Florence Herbert Ann White</p> <p>Rainbow Grill ... Oro</p>
--	---

Tito & Valdez	Mal'rukh
Eddie Rio & Bros	Amibow Room
Boed	Al Donahue
Shyretkos 3	Eddie LeBaron
Grace & Nikko	Paula Kelly
Mani Manning	Emily
Maria Serban	Alec Templeton
(Streets of Paris)	Harris & Shore
Eddie Brandt	Russian Kretschma
Sylvia St. Claire	Volodia Katov
Attie	John Pollock
Marshall 3	Simoon Sakonsky
Mysto	Simoon Karavaeff
Ivan Frank	Aradia Sava
Ruth Elroth	Daria Birse
Sonny Tucker	Michal Michon
Ivan Frank	Yasha Oudovoff
Jimmy Kelly's	Klavdia Kapelova
	Sergel Ignatenko

use	<p> Marj Allen Montana's Boys John Rockwood Vaughn Comfort Danny Higgins Ira Yarnell Sid Hawkins Tanya Adra Cooper Carter & Schaub Lee Leas Gloria Marsh PEGGY de la Plante Lynn & Leaning Marquette Grey La Marquette 3 Vocalists Larus Eddie Davis Oro Joseph Smith Oro Grevel & Parnas La Coq Rouge </p>	<p> Graham Prince Oro Stardusters (4) May Ed Rickard Castaline & Barjole Stork Club Sonny Kendis Oro Jose Lopez Oro Swing Rendezvous Bob Warren Oro Jojo Tuttle Vivian Vaughn Ronnie King Naomi Simone Jerry Roberts Marley Radney Vermales M. Bergere Oro Pamchito Oro </p>
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Oro	Tisdale 3	Village Barn
	Leo Mirage	Fredde Fisher O
	Leo Deslys Oro	Joe Candullo Orc
	Leo Rnban Oro	Vera Fern
	Greta Keller	Loper & Barrett
	Palomo	Johnny Howard
en	Mabel Mercer	Whirling Top
	Stowers & Walter	Geo Morris Oro
ser	Elsie Houston	Russell Dracken
Ore	Leon & Eddie's	Rene Stanley
	Eddie Davis	Ramon Ringo
	Leo Martin Ore	Stephen Harris
	Dorothy Jeffers	Jerry White
	Jerry Kruger	Ann Gale

Shirley Ross	Hankoff & Cannon
John Stewart	Johnson Bros
Donald & Roberta	Collegiate 4
Don Davis	Gene Krupa Orr
Daniella	
Duff & Hls Buddies	Paris Inn
Elizabeth & J Hubert	Beverly & Revel
Don & Marilyn	Marguerite & M
Ernie Fields Orr	Johnnie Dolan
Cafe Caliente	Thora Mathelson
Janita	Ken Henryson
Mana	Henry Monet
Ynez Dasquez	Tony DeMarco
Uran Navarro	Marsha Nolen
Agustina Aguilar Orr	Chuck Henry Orr
Café De Farce	Johnnie & Club
Arrianis Ray	Norma Young
Cafe La Mave	Marco & Ramola
Bradley	Kay Marlowe
Mark Avenue Boys	Max Elder Orr
	Billy Leavin
	Seven Seas

[illegible]

Ball Ball	Pinky Tracy
Bert Gilbert	Bob Davis Orc
Key Armin	Loretta DeBoer
Ponda & St Clair	
Ming	Colony Club
Andree Fay	Maxine Sullivan
Reyn Brown	Josie Manzharez Or
Joan Gypsies Bd	Keith Beecher Orc
Harry Jitterbugs	
Ball Gie	Colostmos
Stan Norris Orc	B & F Gilbert
	Jackson, Reeves & N
Bismarck Hotel	DeMay, Moore & M
(Walnut Room)	Roberta Roberts
Art Kassel Orc	Lola Maree

<p> Blackhawk Jan Garber Ore Mack Gaulke Ore Audrey Dempsey Frederlo & Yvonn Mildred Fenton Rudy Rudelli Lee Bennett Fritz Harkon Blackstone Hotel (Ballneess Km) Blackstone Ore </p>	<p> Fronaph Gl Hollywood 6 Henri Gendron Ore Club Deliss Jean Gay Rhythmic Willie Mack Russell Liliyan Christian Kennedy & Jenkins Pegley Jefferson Wesley Long Sam Theard Charles Isom Partello Gl Red Saunders Ore Drake Hotel </p>
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Blondies	
Dolores Green	Imogene Coca
Fritzie Rey	Jimmy Brierly
Edna Leonard	Masser & Miller
Helen Grey	Julie Munson
Roxana	Tanner Sla
Jerry Wayne	Phyllis Colt
Billy Kemp	Bob Burton
Connie Rogers	Kirk Alyn
Harry Hovor Oro	Henry Russell
Eleanor Johnson	Dutch's
Mickey O'Neil	Ralph Cook Rev
Blue Goose	Rittman Dancers
Frances Romas	Roberta
Alice Hanson	Perry Moore
Sid Schaps	Helen Dove
	Mort Lund Oro

4 Hits 80's and
 Harry Singer Ore
 Breewort Hotel
 (Crystal Room)
 Florence Schubert
 Charles Baldwin
 Grace Katrol
 Norma Ballard
 Breadmont
 Heri. Rudolph Ore
 Loretta Owens
 Belle Stone
 Billy Fargo
 Be Jones
 Jane Line
 Pat & Jerry
 Adorables
 Henry Simons
 Caravan
 (Marine Room)
 Jay Mills Ore
 Frank Payne
 Burton Smith Gls
 Harriet Smith Gls
 885 Club
 Carroll & Gorman
 Nino Rinaldo Ore
 El Dumpe
 Bernie Green
 Sally O'Day
 Jackie Baker
 Jane Raye
 Ed Keith Gls
 Ginger Veins
 Eddy Makins
 Phyllis Brooks
 V Canova Ore
 Ramona Door

Don Morgan	Jerry
Dod & Jerry	Terry O'Toole
Elena Leonard	Castellanos Ore
Carl Smith	4th C
Ches Faro	
Eddie Garr	Homer Roberts
Frazee Sis	Ruth Barton
Janey	Estelle Ellis
Ruth Petty	Joanne
Varsity	Shirley Lucky
Lois Harper	Shorty Ball Ore
Bob Hamon	Frankie's Caste
Lois Bressie Ore	Nadja
Don Orlando Ore	Dave Tannen
Eva's dorabols	Mildred Jordan
Club Al	Jack & J Sherman
	Adrian Kirkoff
Larry Ross	Casino Gm
Millicent DeWitt	Tonya
Sally Hyde	Dick Hardin
Donna Dawn	Wendy Marland
Annette Ardue	Buddy Kirbie

Jacqueline Allen Tom Murray Red Barger Country Hunt Jack Irving Mildred Jordan Allen Cole Edna Burton Bernice Adler Dave Unells Oro Chalk Robinson Oro Eddie Roth Oro Club Spanish Fowler & Walsh Eddie Mark	Gay 90s Joan Rogers Joan Joyce Marion Peters Vee Ames Gls G. Anderson Oro Low King Colleen B Danders Jr Oro Grand Terrace Sonny & Sonny Dusty Fletcher Howell & Colea Sallie Gooding Dottie Saunders
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Buckley	Eddie White
Wagner	Ed Barron 3
Walters	Selma Marlowe
Berling	Jack Hilliard
Bothy, Johnson	Frolics Ens
Winkles	Mark Fisher Oro
Irwin	
Sherman Hotel	
(College Inn)	
Happy Felton Oro	
Bood & Bood	
W. J. McCarty	
Terry & Walker	
Lorraine & Hudson	
Bill Platt	
Billy Galbraith	
Louis Dunn	
Lorraine Barrie	
Carl Muzz	
Prairie Omar	
Don & A. LeMaire	
	Dome

by Dunart	Marie Sari
and Loretta	Silver Cloud
the Bank	Eleanor Leonard
ry Girard	Johnnie
by Williams	Ray & Dean
Feartman Gie	Flu & Arby
Hahn Oro	Commodores
Ivanhoe	Hazel Zulu
the Numbers	Norm Richardson
len Irwin	3 Tops
Hawallans	Johnny McCall Oro
ry Hoffman Oro	3 Tops
L'Aiglon	3 Tops
ry W Kilpatrick	Kitty Lee
by Quixote	4 Vagabonds
no Biologini Oro	Maiane Reby
Hazel Le Zelle	Roma Nuts
by Frost, Zelle	Fay Wallace
by Jesters	Air Freeman
ry Milan	3 Tops
Liberty Lila	Bill Carr
	Renee Villon
	Mary Faye Gie
	Rosie Rosella

Billie Holiday	Sherry
Sammy O'Neil	Patricia Perry
Billie Eardman	B & L Cook
Earl Wiley Oreo	Collette
	Carmen
Limelhouse	Joel Cornwall
Erney Richards Or.	Lea & Annotte
McGraws	Mary Jane Brown
George DeCosta	Dolly Sterling
Jack Tilson	Sol Lake Ore
Jack Williams	Tripoli
Gene Innes	
Wiley	Sky Rocket
ella Thomas	Marjorie Whitney
Arion Miller	Dictators
il Chinard	Mathews & Shaw

Stevens Hotel (Continental Room)	Carlos Molina Oro
	Billy Rayes
	Houston & Hardin
	Novello Bros
	Lucio Garcia
	Marguerite Meyers
Stockade Inn	
Charles Chaney	
Subway	
Ray King	
Val du Val	
Apal Adair	
Cliff Swanson	
Edna Swanson	

Millstone	Sust-Q
nn Millstone	Diek Buckley
nn Howard	Molly Manner
ene Fortez	Betty Harris
ey Swift Ore	Patricia Blore
Minuet Club	Nita LaTour
etty Jerome	Edith Principle
el Estes	Verne Wilson Ore
ookie Sidel	Swingland
ohnny Elliot	Alma Smith
orthy DeHought'a	Edna Red
rt Fitch Ore	Caline Richards'a
DeVore	Louisa & Ozzie
Morrison Hotel	James Phillips
(Boston Oyster	Charles & Eloise
House)	

Loose Screws
Ma Mayo
d Leon
velyn Waters
arkund's Org
eilen Sammas
Old Heidelberg
d Heidelberg Co
vies Kent
ctet
Go Gunther Org
adcock Club
y Whitman Rev
ydra Lou
uriel Joseph
issie Robbins
onevieve Val
haron
atty DuBrae

Ray Reynolds
Patsy Thomas
Joan Dawn
Charles & Mary
Millie Travis
Julie Waltz
Hazel Freeman
Three Deuces
Cleo Brown
Baby Dodds
Mary Taylor
Freddie Reed
Lennie Hyman
Tower Inn
Helen DuWayne
Inez Genen
Mary Grant
Jane LaYonne
Ray Carol
Hal Barber

Jerry Fromm
 Earl Wright
 Palmer House
 (Empire Room)
 Orrin Tucker Ore
 Nettie Baker
 Edna Kallert
 Nettie
 Flower & Jeanne
 1000 Oak St.
 Severly Allen
 Ann Florian
 Robert Dancers
 Phil Dooley Ore
 Parody Club
 Freddie Abbott
 Martha Ryan
 Henry Lee
 Freddie Janis Ore
 Fow Wow
 Jimmy Ames.

Frank Davis Ore
 Freda
 Gloria Romano
 Adelle St Clair
 Terry Circle
 Roy Rankin Ore
 Villa Moderna
 Tony Cabot Ore
 Winona Gardens
 Stan Carter
 Gigi Rene
 1000 Oak St.
 Diane Lane
 Suzanne Kessler
 John Johnson
 Frankie Knolls Ore
 Zig Zag
 Sunny Bouche
 Laura Sherman
 Sunny Mack
 Larry Lux Ore

Anchorage	Joe Pietro 3
Bell Honey Oro	K-Mar
Jewell Bilo	Bellevue-Stratford
Kahn & DePinto	(Main Dining R'm)
Arcadia Int'l	Meyer Davis Oro
Jan Savitt Oro	(Burgandy Room)
Carlotta Dale	Frank Juele Oro
Bon Bon	Cliff Hall
Century Tops	Murray Dagers
3 Toppers	Jerry DeLucas
3 Bonos	Adolph Lanza
Mayfair Gls (10)	Benny the Bum's
	2 Mystics

(Continued on page 51)

<h1>London</h1>	
<h2>Week of December 5</h2>	
Dominion Billy Cotton Bd Trocadero Rest. Bob Bromley Gypsy Ina George Doohan Michael Moore Fred Brezin	CHELSEA Palace Eddie Gray Frederick & La Tessa Deane DeHaven & Pa Degenham Pipe

Club Gancho	Eddy Mayhew
Dimitri & Virgil	Betty Gale
Rumberos	Hotel Linea
3 Ganchos	Artie Shaw Or
Eduardo Sandoval	Helen Forrest
La Carmelita	Hotel McAl
Nedra Madera	J Messenger Or
Club Yumuri	Gonzales & M
Don Mario Oro	Jeannette D'Arcy
Eliseo Grenet Oro	Hotel New Y
Nena Montes	Tommy Dorsey
Ricardo Srandanel	Peter Kent Or
Audrey Ely	Edythe Wright
Cotton Club	Jack Leonard
Cab Calloway Oro	3 Esquires

Oro	Tisdale 3	Village Barn
	Leo Mirage	Fredde Fisher O
	Leo Deslys Oro	Joe Candullo Orc
	Leo Rnban Oro	Vera Fern
	Greta Keller	Loper & Barrett
	Palomo	Johnny Howard
en	Mabel Mercer	Whirling Top
	Stowers & Walter	Geo Morris Oro
ser	Elsie Houston	Russell Dracken
Ore	Leon & Eddie's	Rene Stanley
	Eddie Davis	Ramon Ringo
	Leo Martin Ore	Stephen Harris
	Dorothy Jeffers	Jerry White
	Jerry Kruger	Ann Gale

Jacqueline Allen Tom Murray Red Barger Country Hunt Jack Irving Mildred Jordan Allen Cole Edna Burton Bernice Adler Dave Unells Oro Chalk Robinson Oro Eddie Roth Oro Club Spanish Fowler & Walsh Eddie Mark	Gay 90s Joan Rogers Joan Joyce Marion Peters Vee Ames Gls G. Anderson Oro Low King Colleen B Danders Jr Oro Grand Terrace Sonny & Sonny Dusty Fletcher Howell & Colea Sallie Gooding Dottie Saunders
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Anchorage	Joe Pietro 3
Bell Honey Oro	K-Mar
Jewell Bilo	Bellevue-Stratford
Kahn & DePinto	(Main Dining R'm)
Arcadia Int'l	Meyer Davis Oro
Jan Savitt Oro	(Burgandy Room)
Carlotta Dale	Frank Juele Oro
Bon Bon	Cliff Hall
Century Tops	Murray Dagers
3 Toppers	Jerry DeLucas
3 Bonos	Adolph Lanza
Mayfair Gls (10)	Benny the Bum's
	2 Mystics

(Continued on page 51)

ICE FOLLIES OF 1939

(MADISON SQ. GARDEN, N. Y.)

Les Hamilton, Ruby and Bobby Maxson, Ann Harlow, Bess Ehrhardt, Roy Shiptad, Osborne Colson, Harris Legg, McKellen Brothers, Evelyn Chandler, Bruce Mape, Evelyn Fink, Le Verne Busher, Papper and Kane, George Hancock, McGowan and Mack, Shiptad and Johnson, Ernest Kratzinger Orch.

Appearance of ice carnivals such as this is the result of a development in skating styles in recent years. Figure skating falls into two classes: 'school figures,' the basic formations roughly corresponding to chore studies on the piano, and 'free skating,' representing improvisations on the school exercises. During the past Olympic seasons 'free skating' has forged ahead rapidly and has been reflected at such social events as the New York Skating Club's annual show, whither it started drawing the hot polio in great numbers. Presently, 'free skating' gave rise to some glamour girls and boys, and now it's an industry.

'Ice Follies' is the first of three spectacles slated for Madison Square Garden. It will be followed by Sonja Henie's troupe and the Skating Club carnival, the latter peopled by amateurs and not by professionals as the prior two events. 'Follies' originally was a floor show in the Sherman Hotel, Chicago, whence branch into a traveling circus under the direction of Edward Mahlek, Eddie and Roy Shiptad and Oscar Johnson.

Show sizes up as speedy, colorful and ably produced. It is very strong in group routines and comedy. Less can be said for most of the solo work. For the soloists, in an attempt to dazzle the spectators, have almost entirely dropped the continuity of 'school figures' and have substituted tricks to the extent that everything looks like one high-pressure mirage for applause. Evelyn Chandler and Roy Shiptad, the single workers do not exhibit one good Axel Paulson, nor the graceful continuity of the counters, and no good. They can truck, shake a jitterbug hip and smile, but they don't skate.

There are eight group numbers, studied with specialties. Highlight is the excellent work of the gal ensemble dancers, whose precision is a veritable marvel. Gowning is splendid also. All the numbers are mighty bulwarks that sock.

Comedy just about shares equal honors. 'Follies' has Les Hamilton in a crazy waltz, flower routine. Bess Ehrhardt in a drunk number, and Shiptad and Johnson in a pantomime that's strictly legitimate. McKellen Bros. with trick handstands and swivel acrobatics make up also semi-comedy, and help keep this department in the fore.

By way of solo work, Bess Ehrhardt can be commended for her gamins and smile. Her routine resolves itself into a backward-forward giant loop; if she knows any other figures, she's keeping them under wraps. She gets near map billing in the show, which is okay considering her looks. The rest doesn't matter. Her pairing with Roy Shiptad is much better.

Evelyn Chandler, the real femme standout, is an ace skater. Her Arabian cartwheels, Axel Paulsons and graceful spins are tops. Bruce Mape's her high-stepping, tap dancing partner in one routine, but he could aid her better if he dropped that corny saxophone bit he does as reminder of what he once owned an orchestra. That sax alone is the frowziest aspect of the entire show, but fortunately it's very short.

Roy Shiptad, with his loops and spins are the McCoy, the spins not being equalled by any other skater within memory. Shiptad additionally does all his stuff under speed conditions, the surefire indicator of a good skater. Harris Legg has a great barrel jumping act, and Osborne Colson has a nice solo specialty in an Indian Dance routine.

Couplings—a strong division in a successful show—is strong enough here, too. Ruby and Bobby Maxson, youngsters, have a good routine. Ditto Valerie Fink and Le Verne Busher. The Papez-Zwack combo is strong, and strictly legitimate from the standpoint of figure skating. McGowan and Mack have an Apache specialty consisting of mayhem and spins reminding of class roller skating acts (they were roller skaters once). Maude Hilton and Jeanne Austin, commented on above. Only one good bit is missed in pair work—the tango. None is exhibited here.

Frances Claudet worked out the choreography with the Shiptad brothers, Oscar Johnson and Gae Foster (of the Roxy, N. Y.), and they did a swell job. Ernest Kratzinger ably leads the band.

Big very mild opening night (29). Mostly carriage trade there for a benefit.

CENTURY, BALTO

Baltimore, Dec. 3.

Ken Whitmer and house orchestra (30), 3 Harvards, Sinclair Sisters (2), Johnny Woods; 'Young in Heart' (U.A.).

Series of experiments here with Bess has boiled itself down to a re-

vival of the permanent m.c. and stage band policy. Employing a band of 30 men at a special scale of \$45 per man, granted by the local union, a 20-minute frolic set-up has swerved away from previous 'musical diversions' and is featuring regular vaude acts to intersperse orchestral doings. Latter are minus the long-haired stuff entirely and very much on the swing side. Ken Whitmer, making his first appearance of a proposed run, succeeds D'Artega, who handled baton for previous eight weeks.

Opening number announced by Whitmer presents 'Bugle Call Rag' in nice arrangement, taking full advantage of snappy instrumentation afforded. Snappy pace is maintained by the 3 Harvards, peppy crowd swinging outfit. Tricky give all well. Followed by a twist with formally clothed member crossing nicely with nondescript partners for well-earned laughs.

Sinclair Sisters follow with two good hoof routines, the first a tricky rhumba tap, and the closer a nice challenge with flash acro spliced in. Gals make a nice appearance and sell well. Followed by Johnny Woods, whose mimicry of radio and stage figures goes over strongly. Finishing bit, a vocal as delivered by Walter Carter, Johnson and Cab Calloway, good for fine reception.

Whitmer polishes off proceedings skillfully with 'One Man Band' stuff, giving out legitimately on a variety of instruments and contributing a fair vocal. Lad has an easy manner and handles himself with considerable assurance without attempting any gags. Good response from audience on show caught.

Big okay.

ROXY, N. Y.

Fanchon & Marco stage show with A. Robins, Al Bernie, Six Antaleks, Tommy Trent, George Byron, Jack and Jane Doyle, Gae Foster, Jinks, Paul Ash, orchestra; 'Just Around the Corner' (20th), reviewed in Variety Nov. 2.

Fairish F&M bill this week. There's the old-repeated standard novelty of A. (for ask him what it means) Robins, the mimicry of Al Bernie, a baritone. George Byron who brings the gal ensemble of hoofers, Jack and Jane Doyle, some acrobats, and a marionette worker.

It's the regular semi-formless form of the Roxy stage show. The Boyles enter without preliminaries and start dancing. Acts follow with the Gae Foster Girls interpolating, and there's never very much production or coherence. But it manages to be diverting, if occasionally, over-long (as with Bernie), or not in always decent taste (as with the puppets).

Robins is the main dish with his banana foolishness, effective sight turn as always. Bernie's talents and material allow him a safe score as the second foundation stone of the show. Thanks to a radium-like doll that is manipulated in the dark, Tommy Trent gets away with audience okay, but his comedy material needs brightening.

A circus act, the Antaleks, balance one, two, and finally three diminutive girls on the danger peak of a 20-foot pole. Nicely dressed the act is fast and flashy.

Land.

STATE, HARTFORD

Hartford, Dec. 3. La Georgetown, Gish and Brown, Maude Hilton and Jean Austin, Coquette's orchestra (11) with Viola Smith, George Carroll, Terry Corrigan and Kay Hamilton, Sam Kaplan's band; 'Sweetheart of Sigma Chi' (Mono).

State this week has broken away from its policy of names and name bands with its presentation of an all-girl show. Show is just as it looks on paper, so-so, costing the house very little.

Following a pop melody by the house band, La Georgetown does a standard aerialist turn. Clicks solidly when she walks inverted and hangs some loops suspended from a crane bar. On next are Gish and Brown, who do interpretative dances clad in nothing but paint and G-strings.

Maude Hilton and Jeanne Austin, comedienne, indulge in cross fire comedy patter, and are acceptable laugh getters. Coquette (New Acts) follows next with a melody of songs in which several of the instrument-alists get a chance to go before the mike. Band, all brass, is strictly for the jitterbug, and is led by the reasonable and sylph-like Frances Carroll. Comely stick-weaver is better with the baton than vocals, and confines her part to one song about the work of a band leader.

Beating the skins is Viola Smith, billed as 'the female Gene Krupa'. For a femme trappist, gal is on the click. Kay Hamilton, nice-looking thrush, rings the gong in a vocal sesh with 'Alexander's Ragtime Band' and 'Old Man River'. Encores in 'I'm a Mose' and 'I'm a Mose' by the Terry Corrigan, jitterbug dancer.

Fridg' matinee (2) biz slow, but better, than average matinee. Eck.

STATE, N. Y.

George Jessel, Dixie Dunbar, Six Skating Marzels, Readinger Twins, Josephine Huston, Ruby Zwierling House Orch; 'The Citadel' (Metro).

It's a one-man show in more than one way. George Jessel is not only the lone male on the bill, but the task of holding 'em interested for an hour is pretty much all his. The job he turns in adds much to Jessel's stature as a unique entertainer.

He's on for about 75% of the run-off. If he isn't regaling the custom with topical quips, anecdotes or deftly sepiolite, Jessel is out there clowning with the girl acts and helping drum up some sendoff enthusiasm. Knowing well the humor inclinations of the State's trade, Jessel keeps 'em wallowing in laughs. Like the gifted storyteller that he is, Jessel saves the best one for the finish.

The narrative, with the scene laid in Niagara Falls, not only brings in a midsection explosion but sends 'em out chuckling. It was a jammed house at Thursday's (1) supper show and it was obvious from the moment Jessel came on just what had caused the business.

In picking an all-girl contingent for Jessel, the house bookers have apparently leaned mainly towards youth and looks. The Six Skating Marzels have the opening assignment. They top off a hedge-podge of conventional rollicks, clear-cut turns with a one-ankle breakaway. The Readinger Twins, who follow, go in for a curious amalgam of modern interpretative dancing. The cute, attractive, tatted, sway, pinquette and wiggle to the steady rhythmic beat of the drum and the blare of brass. It all looks and sounds very nice.

Josephine Huston, recently returned from London, combines blonde looks with an appealing voice. She shifts from contralto to soprano and struts a 12 super show with a one-ankle breakaway. The Readinger Twins, who follow, go in for a curious amalgam of modern interpretative dancing. The cute, attractive, tatted, sway, pinquette and wiggle to the steady rhythmic beat of the drum and the blare of brass. It all looks and sounds very nice.

Pert little Dixie Dunbar, from pictures, eases into the next spot with a quick vocal of 'Alexander's Ragtime Band'. She's a good bet for the niteries, where she has had considerable experience here.

Ode.

LYRIC, INDPLS.

Indianapolis, Dec. 2. Roger Pryor orchestra, Red Skelton, Lane Truesdale, Red Hodge, Barr & Estes, Variety Gambols; 'Comet Over Broadway' (WB).

Nicely paced in a 64-minute show, Roger Pryor band shows up well in the Skelton, with Pryor smooth in handling. The band is good. He comes on after theme to open with a gag and put his aggregation into swing rendition of 'Got Rhythm'. Red Hodge, a dandy, out, plays stooge to Pryor for a couple of gags, taking his place in the trumpet section, then stepping down later for chorus of 'Music Goes Round'. Followed by Variety Gambols, four men and three girls, who do tumbling, pyramid building and trampoline work, muscular stuff, however, seeming out of place in musical show.

Lane Truesdale, singer, holds down one of the pianos in the band and sings on his own. Does On Her. Band gets together as choir on 'Smoke Gets in My Eyes', Pryor following with imitation of Bert Williams singing 'Somebody Else'. Barr & Estes, good eccentric and tap dancing. Nice hand for comedy antics of Barr and his pantomime juggling, as well as his impression of a person riding a Co. Verne Bucke band number on the bill is a comedy satire on style of contemporary orchestras, jocularly ribbing Wayne King, Lombard, Kemp, and others. Red Skelton's stand-out with his gags and falls, highlight being his doughnut dunking bit. Does impression of a girl dressing in the morning for an encore, also good for plenty giggles.

Band swings 'Whistler and His Dog', and closes with parody on 'Gee You're Swell', with patter by Pryor.

Biz fair at last show Fridav' (2).

Kiley.

ORIENTAL, CHICAGO

Chicago, Dec. 3. Lola Lane, Mignone, Max Terhune, Stuart and Martin, Stadler and Rose, Rendall and Co., Verne Bucke Sweethearts house line; 'Secrets of Actress' (WB).

This is the Oriental's third week of operation under the aegis of Schaefer, and business indicates that the theatre will build an audience following as steady and faithful as the J. L. Wolfe. Price of 40c. top is unquestionably an important factor in the bloom of trade, and it is for the 40c. stratum of patrons, which is strange. From all responses it's likely that proves consistently satisfactory.

Lola Lane (New Acts) heads the current bill and she turns in a bet-

ter-than-average p. a. She sings a song passably enough, tells some Hollywood anecdotes about her sisters and here up to a bit of dramatic reading for 'Hollywood Hotel'. Two picture flashes on the screen, one from 'Hotel' and the other from 'The Daughters'. Former to re-establish the Lola Lane countenance in the audience's mind.

Sweethearts line opens and closes the show effectively. The winder and the winder is a sure-fire tap routine which is always a sure-fire number anywhere in vaude. Mignone, control worker, is in on the opening routine, and socks home her control leg number. Well-executed and well sold. Mignone's act has a place in vaude or class niteries.

Barnyard imitations, impressions of diverse trains and such, is the Max Terhune act. Strictly bill-billy stuff, it's the type of material that satisfies the family trade. Stadler and Rose have a good one. Their first rather quiet ballroom number, 'Second sequence is a 'round-the-world' bit which shapes up as a neat novelty. They're back later in the show with their doll dance, for which the femme tosses off some stand-out acrobatics.

Charlie Stuart has been around a long time, and he at least should know that the first five minutes of the Stuart & Martin act is not entertainment. That cost bit should be tossed out all the while. It's out of place, and it's a waste of the opening sequences of the act with a long-winded comedy violin bit that doesn't come off. Later the two of them get together, and some okay singing and a couple of cross-fire gags which land. These two fellows are capable of better laughs than they are getting in this turn.

Verne Bucke, a good single. He has fine comedy style and a solid acrobatic hoofing routine. But when he tries knockabout with a couple of partners, it's just a fair trio.

Business good at last show on Friday (2).

Gold.

STANLEY, PITTS.

Pittsburgh, Dec. 3. Duke Ellington orchestra (14), Ivy Anderson, Dolores Brown, Flash and Dash, Tony Zephyrs, Rec Stuart, Johnny Hodges; 'Young Dr. Kildare' (MG).

Ellington's still in a class by himself. Second time for him here in less than 10 months, and he's always welcome.

Musical versatility and shock-absorbing arrangements keep sameness from creeping into the Ellington repertory, and he punches out a show that's strictly high-class heat. Runs overboard this time, and there's some strange material that could wisely be bucked, but his unit's pretty close to the tops in band entertainment.

Opens still the same, behind a screen, but he's the picking out the various sections as they go to town individually on a medley of Ellington's past hits. Full stage scene complete, the Duke, however. He's standing up now to play his piano, which is placed on a raised platform bringing the ivories level with his hands. With a sizzling playing of 'Got Chick' and momentum continues via Flash and Dash (New Acts), couple of nice-looking hoofers with plenty on the ball.

Dolores Brown next to pipe out a brace of vocal choruses, but gal's merely decorative and among the lesser complements of the Ellington layout. Show picks up again with the Duke's slick way of Rachmaninoff's Prelude, and then bursts into flame when Rex Stuart steps down from the platform for a solo trumpet concerto. Tones he achieves are unbelievable and practically tied things in a knot for what seemed like minutes. Stuart sticks around to lead a brief jammer and then makes way for Johnny Hodges to give out on the jam with 'Jep Blues'.

Ivy Anderson, Ellington's featured songstress, improved year by year and stands now around the head of the class. Personality, salesmanship and vocal power are all hers. She's across 'Alexander's Ragtime Band', 'Sweet Talking Man' (with the usual voice-cracking interruptions from the drummer boy), 'I'm a Bluebird', 'You Gave Me the Gate, Now Swing It', novelty, and finally 'Swing Time in Honolulu' before they let her get away. Even a Little mob kept pounding away for her.

A tough spot for Tony Zephyrs, but they delivered. Boys get off with a two-bit jam then go into a slow-motion routine that's okay, but much too long.

Flash has curtains closing in and stage dancing at fadeout of neat arrangement. Let a Song Go Out of My Heart. Show, incidentally, could stand a bit more of Ellington's keyboard wizardry. He isn't giving out on the department now as much as in the past.

Dave Brody's house crew in the pit for nice overtime. With long features, a winning trailer, couple of shorts and newsreels, bill runs to 200 minutes, much too long.

Biz good, but not unusual. Cohen.

APOLLO, N. Y.

Tiny Bradshaw Orch (14), with Mae Arthur, Jean Starr, Teddy Allen, Gibbons & Carroll, Inkspots (6), Pignat, Sandy Burns, George Wiltshire, 'The Daughters' (U.A.), House line (18); 'Personal Secretary' (U).

House is back in the running again after last week's slip. Current offering is shorter than most of the other shows on the board, but has more meat to it. Production is good, too. Apollo's stage evidently underwent a bit of refurbishing recently and the new curtain, etc., adds lustre to the turns.

Tiny Bradshaw's orchestra, ex of the Savoy Ballroom and the Roseland in midtown New York, is a Harlem vaude, and has improved. Crew stays the place for far as half then shifts to an attractive stage setting. Bradshaw's setup is two trombones, three trumpets, four saxes and four rhythm, besides himself.

Band uses some outstanding arrangements, although the greater portion of them here are of the headache-inducing variety. Bradshaw himself uses some muted or the category with vocals and announcements that would fit better into a 5,000 seat house. Unleashing his brass too often another drawback. Crew makes the most of the stage. Crew makes the most of the stage. Crew makes the most of the stage.

Mrs. Arthur surprisingly enough is not a singer. She pipes conventionally and gets 'em there with plenty to spare. 'Change Partners' and 'My Own' were her vehicles when caught. Leader dishes up several songs, and there's a good treatment of 'A-Tiskit'. Miss Arthur works in a comedy skit with the laugh setup, unusual here.

Inkspots (New Acts) click handily, making tunes of the Harlem tenor, Gibbons and Carroll (New Acts) manage to get over with a burlesqued ballroom routine, Jean Starr and Teddy Allen work as a team and separate. Miss Starr is a little sepiu songstress-temper, who's an asset. She's in the opening number for a vocal that's well done, followed by a tempo solo in Clyde McCoy's laughing-horn style.

She and Allen follow later in a bit with the line, during which Gibbons and Carroll do their stuff. It's one case in point of a white cottage draw, which it is, the theme of the two tunes they sing, Two Sleepy People and 'Deep in a Dream'. The gal also does an excellent tap as well as piping 'Wacky Doo'. This is one of the outstanding line numbers bringing the girls on in Donald Duck masks and outfits, backed by a dance band. Duke Dupor, Opener is a Harold Teen Swing Club routine with an appropriate setting and a guy made up as Poppa Jenks passing out sandwiches. Line looks good in this too.

Comedy is effective but old stuff to bury-grogs. Pignat and Sandy Burns are coupled in the skits, straightened by George Wiltshire. First is the 'dance hostess' which is drawn out as long as it gets in and then later it's the sailor' bit. Both are plenty, effective, though slightly blue.

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NEWMAN, K. C.

Kansas City, Dec. 2. Chick Webb orchestra (13), Ella Fitzgerald, Stump & Stumpy, Lindy Hoppers (4); 'Thanks for the Memory' (Par).

This house, operated by Paramount, largely on films only has pinned some hopes on flesh as a means of combating the usual pre-holiday doldrums at the h.o., and the first assignment is given to Webb.

Theme of the show is swing tunes, catering to the bugs and jivers throughout. It's hot music from start to finish of the well-trimmed 90-minute show.

Opening is carried by the band, following introduction of the leader, giving a fit sample of what's to follow. Two couples of Lindy hoppers come in fast, with band. Black m.c. joining in the spirit of rhythm.

Quintette of piano, dolo, clarinet, doghouse and Webb on the drums is featured with a torrid but classy 'Swing Time' and 'The Savoy' and 'One O'Clock Jump'. Crowd is easily a mainstay of the band.

Stump and Stumpy bring on their dancing, patter, imitations and general clowning. Team shows to best advantage in their stepping, clowning being overdone and somewhat blank for lack of material.

Remainder of time is given over to Ella Fitzgerald, who shares billing with Webb. She includes 'My Reverie' which is not quite her type, but capably done; 'I'm a Jitterbug' and 'Tiskit'. She leads into the 'Louis Blues', which winds the show with all hands taking part in the final jam session.

Biz okay as town has been there his share of jitterbugs. Quin.

PARAMOUNT, N. Y.

Count Basie Orch. (14), Buck & Bubbles, Berry Bros. (3), Sister Tharpe, James Rushing, Helen Humes, Don Baker; Say It in French (Par), reviewed in VARIETY Nov. 30.

A zingy stage show at the Paramount this week, but it's in for only one stanza, due to booking commitments and the desire to slip in "Say It in French" (Par) for a Broadway showcasing. Though film is pleasant enough, if lightweight, the stage portion, all Harlemaque, is extra generous and in combination, both will do well at the box office.

This marks Count Basie's Broadway premiere after a session at New York's Famous Door on 52d street. Basie is one of the tightest colored, combining in a nice, jaunty but wisely held in check for rostrum purposes. Sponsored by Benny Goodman, Basie thus came under Music Corp. of America auspices, the club's colored count, handled by that organization, a distinction that's more than borne out by the Basiettes' boom-voom.

Comprising four reeds, six brass and a rhythm section, including the maestro-pianist at the ivories, it's an inspiring aggregation of solid senders. Vocal fortification comes from Helen Humes, songstress, whose "So Help Me" sounds nicely, and the portly James Rushing, whose "Mulberry Bush" and "St. Louis Blues," with truckin' variations, make for meaty returns.

In between, the surefire interludes as the Berry Bros. (3) and Buck and Bubbles. Sole captiousness can stem from their overlapping choruses: the Berrys go along with their legmanic "Big Boy" while their drill comedy pianology and not a little hootology on their own.

Given a "by-courtesy" billing, as from the Cotton Club, Sister Tharpe, who swings the gospel chants out of this world, is the major novelty amidst this wealth of colored talent. The Berrys may cakewalk themselves and twirl their skirts in a froth, and Buck and Bubbles likewise can crosswalk themselves into a click in anybody's theatres, but the Sister is still a fresh entry, and, as such, commands a different kind of praise. Tharpe, is a comely femme, who to self-guitar accompaniment, gives the gospel hymns a killer-diller infection. The churchy chants originally had a different meaning, but Tharpe, as such "rock me," but Sister Tharpe hi-de-ho it, there's a slay-em invention to them.

Basie's boys manifest fine showmanship throughout. Their outfitting is natty and away from the bizarre getups manifested by all-male dance combos. There's a sartorial snap to their ensembles that makes for a nice picture. The boys in toto are of a more or less uniformly high-brown complexion that doesn't hurt either as a stage picture.

Amazing in the Berry Bros' work is their navigation and high-tension agility despite the extreme limitations of the Par's pit orchestra.

For the rest, Don Baker organologes a nifty melody of grid songs. Abel.

EARLE, WASH.

Washington, Dec. 3.

Shanghai Wing Troupe, Dick Foran, Bill Crago and local amateurs, Arren and Brown, and the Rorystettes; Hard to Get (WB).

Pattern of this week's concoction is okay, but effect suffers keenly by comparison to smart pace, of color and presentation maintained in house for past few months. Dick Foran p. a. turns out to be just a nice guy singing songs. Opening day's parade of local amateurs dragged, and although other acts are satisfactory standard stuff, bill is left without anything solid enough to get it into high gear.

House orchestra is at rear of stage in modified Chinese garden set. Show gets under way with line going through snappy routine in coolie hats and native dress, and then to Shanghai Wing Troupe to take over with smooth succession of acrobatics, balancing, top spinning and plate juggling by three men and three women. Kid, who snuck by the authorities opening day at least, provides novel touch in the tumbling.

Girls in cowboy garb take over again to hoof and dance to "Old Cowhand," finishing by lining up in fours for intricate introduction of Dick Foran. Film star comes on in ten-gallon hat to light hand, and launches singing of "Buckaroo" with explanation it is from one of his house operas. Follows with "Old Man River" and encores with "Home on the Range." The latter, a fine, boyish manner and pleasing baritone with audience, but Foran's success is strictly that of a pleasant warbler and not a film name on tour.

Bill Crago, local WB announcer, goes into an explanation of Earle-NBC 'Secret Ambitions' idea involving presentation of three acts at each show selected from auditions held during previous weeks and names and addresses of trio due at show in question and invites them

up from audience to do their stuff. (Three bona fide acts are kept backstage at Earle's.) Presenters are done a la usual with build-up along name-age-occupation lines. At show caught, kid played violin, housewife sang "Some of These Days," and a mechanic twiddled some none especially good, and mostly too long. Each performer got too Christmas stocking, with envelope attached, audience applause deciding who got the \$5, \$3 and \$1 admission prevailing at all times.

New newsreel operation is in the recently opened Associated Press building, latest structure. In the Rockefeller Center (Radio City) group, with entrance on West 50th street almost adjoining the Music Hall. It was constructed by Rockefeller Center, Inc., under contract with Hegeman and Harris.

Associated Press Newsreel theatre (it probably will become known eventually as the A. P. Newsreel house) is the most elaborate cinema devoted to newsreels. The 450 seats are all on the main floor, while the house has commodious lounges on the upper level at the rear of the theatre, where also are the smoking rooms and phone booths. Here also are the uniformed chairs and round tables designed by the Finnish architect Aalto.

Color motif is an unusual mixture of apple blossom, pale green, brown and white, with damask wall-covering in green and gold. The ceiling is variegated shades of rose on the ceiling. Carpeting is of old rose with pattern being a replica of a rug unwinding from a reel, especially designed for the Newsreel Theatres.

Bodiform seats are an innovation for a theatre of this type, with the back arranged to give maximum comfort of great flexibility. Seats are employed instead of coil spring. Chairs are done in turquoise leather seats with turquoise cloth backs.

Lighting in the main auditorium is arranged so that the illumination is directed to the stage and does not interfere with screen projection. House is completely air-conditioned with an automatic cooling plant for hot weather.

Newsreel Theatres group started in 1934 when it opened the Embassy as the first newsreel theatre in the world. W. French Githens heads the operating company, with Major A. G. Rudd, general manager. Brightwell is manager of the A. P. theatre.

Lightweight Action Initial program at this new theatre is a fine feel, congratulating the latest newsreel house. The Lehr has his customary clowning greeting for Movietone. Ned E. Deshaet speaks for RKO Pathe while Graham McInnis, general manager, greets. John B. Kennedy, general news commentator for Metro's "News of Day," and Bill Stern, general news commentator for the A. P. Newsreel, also greet. mount glorifies the cameramen elaborately, catching a sound man and then showing photographers grinning at the camera. The A. P. Newsreel, and Sino-Japanese battlefront, etc.

Newsreel parade is lightweight on action scenes. In fact, to that even final football battles offer the most colorful photographic material. Movietone produces the usually vivid Army-Navy struggle at Philadelphia, cameramen doing a skillful job in following the lengthy run-back of a punt by West Point Long for the "pay-off" touchdown. Same reels depict the German capture of Dunkirk, the "pay-off" in a heavy snowstorm, is no boost for the Blue Devils, as Pitt backs are seen gaining almost at will. Tennessee, and Duke's Tipton, which skidded on slippery field to the Pitt six-inch line, leading to the touchdown, is accurately pictured.

Paramount plays up the Rose Bowl angle is easy victory over UCLA and Texas Christian rolling to another triumph over Southern Methodist. Whereas TCU backs impress both on line play and pass catching, USC seems to be romping to scores because of sluggish play of their rivals.

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NEWSREEL THEATRE

(N.Y.) (ROCKEFELLER CENTER, N. Y.) Fourth newsreel house of Newsreel Theatres, Inc. (same group that operates the Embassy on Broadway, 2nd street and newsreel house in Newark) re-opened on Thursday (1) with press preview and reception. Theatre opened to the public Dec. 2 with grand polka and music-admission prevailing at all times.

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with graphic scenes of New York's recent blizzard. N. of D. has Harry Warner award from the American Legion for his sons' actions. Same reel plugs Boys Town by showing its football team playing in Los Angeles.

Low Lehr has two clips, both unusually funny, for Movie-tone. Pathe's pictures of forest blaze near L. A. is routine.

Par gives lively word description of three Nazi spies, sentenced to jail. Jay C. Flippen does a spiel for Movietone about managerial shifts in baseball majors. Wear.

STRAND, B'KLYN

Teddy King orchestra, Buddy Hassett & Stan Lorman, Eleanor Whitney, Patricia Norman, Slim & Joe Besser & Lee Royce, Picchioni Troupe; "Illegal Traffic" (Par).

Supposedly 'dead' vaudeville takes a heartening breath this week here with fast and smooth collection of pure variety. House full of standees during last show Friday (2).

Speedy 44 minute lineup, including 15-team jitterbug contest is a collection of show stoppers. Every turn has to beg off, while m.c.-bandmaster King gets in only two band solos. He, too, seems to have improved a good deal.

Whirlwind Picchioni Troupe of teeterboard experts open show with a bang. Had 'em yelling for more when exiting with triple somersault of one member in chair. Local baseball idol, Buddy Hassett (New Acts) holds the duce with Stan Lorman; WOR sportscaster, getting into the night, and a surprisingly able baritone. He's first baseman with local nine, Dodgers, and former Manhattan all-rounder.

Patricia Norman, comedy chunk of vocal dynamite who has sung with half dozen bands, also sends house. She hadn't clicked until her recording of "Ol' Man Mose" appeared, but she's mung up now. In black, shoulderless frock, she gives the boys an eyeful. Her steam-heated pipes sizzle. Management probably instructed her to lay low on locally duplicating much-used "Ol' Man Mose," but there was little else to disappoint the crowd which ate up melody of three and an encore of "Ragtime Band."

Next in excellently paced show, Joe Besser, similarly bows over house with his fat boy routine. Recently returned from England, and brought his showman's back to back with him. Lee Royce, foil, gets off a legit bit with baritone of "Ol' Man Mose" in good form. Just a little while before the show, Royce's six-man crew set upon a platform in center-stage. Outfit is plenty torrid, jamming all the time.

They play a "Gang Busters" (New Acts) is good and imitation. The show, providing 16 minutes of dramatic hypo, plus an interesting glimpse into the air of a radio station. The show, providing 16 minutes of dramatic hypo, plus an interesting glimpse into the air of a radio station. The show, providing 16 minutes of dramatic hypo, plus an interesting glimpse into the air of a radio station.

Slam and Slam, originators of "Trot and Trot" show with red hot instrumental swinging. Play three tunes, calling them by different names, but sound like variations of "Trot." They play three tunes, calling them by different names, but sound like variations of "Trot." They play three tunes, calling them by different names, but sound like variations of "Trot."

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TOWER, K. C.

Kansas City, Dec. 3.

Buddy Rogers Orch., Elizabeth Tilton, Bob Rips, Arthur Wright, Elmer Davis, Sheel, Raymond, house line; "King of Alcatraz" (Par).

Forty-five minute show shapes up as speedy and well routed with variety of music, vocal and instrumental acts, and clowning. Rogers, besides switch-waving, shows his wares on the vocals, and also takes his turn as an instrumentalist.

Elizabeth Tilton brought on early for brace of vocals and a duet with Rogers. She classes as more of the sweet type of songstress and list among the better femme vocalists heard here.

Band struts its stuff in a cavalcade of songs by Irving Berlin and again in closing with Rogers bringing in standard turn of instrumental of instruments. Male singing is handled by Arthur Wright, tenor. Elmer Davis is assigned gag work. Ball-tapping, rhythmic juggling is offered by Bob Rips in snappy routine. As much of this type of handling has been seen here lately, Rips shows some new ones and promptly executed.

Shea and Raymond concentrate on comic dancing, with pantomimic clowning, and make the best of an opening eccentric routine, and a semi-acrobatic closing which closes. House line takes two widely varied routines to the program. 6 in.

EARLE, PHILLY

Philadelphia, Dec. 2.

Keene Twins and Vic & LaMar, Oxford Boys, Susan Brown, Arren Douglas & Co., Gang Busters, Stuff Smith orchestra, Lou Schrader house band; "Up the River" (20th).

Fairly entertaining show, although an unusual one, whose marquee draw is certainly not all-around, is achieved by the Earle this sesh. Two principal hypotes are being flaunted.

"Gang Busters," Phillips Lord's radio thriller group, making its first stage appearance, and Stuff Smith's band from the Oxy Club, N. Y. Although a large number of Philadelphians apparently are unfamiliar with the "Gang Busters," latter's appeal seemed broader than expected. Stuff Smith, who has been on the scene for five years only, and even they seemed to be out in fewer numbers than usual this week. Biz off when cued to appear.

Show is divided into two portions; necessitated by the fact that Smith's band is not the type to play for the acts. So Earle's band, who are the crew is hoisted aboard the stage to do the show. When that's finished, climaxed by "Gang Busters," house band returns to the pit and Smith combo takes over for its end of the entertainment. Stage background, incidentally, is noticeably nifty this week, adorned by nothing more than deep red curtains.

M.C. chores handled partially by Milton Douglas and partially by an off-stage voice, which is unfortunately cold and not too easy to understand. So Earle's band, who are the crew is hoisted aboard the stage to do the show. When that's finished, climaxed by "Gang Busters," house band returns to the pit and Smith combo takes over for its end of the entertainment. Stage background, incidentally, is noticeably nifty this week, adorned by nothing more than deep red curtains.

Milton Douglas and a couple foils, who make up the billing company, deliver gags that are good for healthy chuckles after Douglas gets the WFA-worship jokes off his chest.

Oxford Boys Mimic the country's major bands. Music (all vocal, except for a guitar) is good and imitation. The show, providing 16 minutes of dramatic hypo, plus an interesting glimpse into the air of a radio station. The show, providing 16 minutes of dramatic hypo, plus an interesting glimpse into the air of a radio station.

Enuncie Healy, who formerly teamed with Benny Goodman, crew, is comely and nicely dressed to reveal swell pair of gams. Her tapping is proficient.

"Gang Busters" (New Acts) is good and imitation. The show, providing 16 minutes of dramatic hypo, plus an interesting glimpse into the air of a radio station. The show, providing 16 minutes of dramatic hypo, plus an interesting glimpse into the air of a radio station. The show, providing 16 minutes of dramatic hypo, plus an interesting glimpse into the air of a radio station.

Nixon's Grand, Philly

Philadelphia, Dec. 2.

Bill Robinson, Willie Bryant, Radio Aces, Jimmy Baskette, George Williams, Benj. Lester, and the Desoree All Stars; "Gang Busters" (20th); "Up the River" (20th).

House, in its second week, is gaining momentum after bad weather got it away to a slow start last sesh with Ethel Waters in top spot. Place is operated by a switch to a heavily Negro-populated section, but the presence of Bill Robinson as the marquee draw this turn is bringing in a flock of profitable oyst trade, which, it continues, may spell success. Another bid for same type of trade is the presence of the "Radio Aces," white act which has clicked solidly in the past.

The Earle, however, to give it sufficient billing seems to have been a mistake. Although offering ran more than two hours, far too long, when caught, show is given careful production. Whole thing, of course, centers principally around Robinson, who is on stage singing "Up the River" in skits a good part of the time. He's aided considerably by Willie Bryant, minus his orchestra.

Robinson's appearance of the line of 12 fairish tapers, passable on looks, but noticeably short on presentable gams. They chirp a number about autographs, backed by a set with Robinson's name and autograph book. As pages are seemingly filled, impersonators of various Negro stars walk forth from them, including Duke Ellington, who is best known. Includes Maxine Sullivan, Ella Fitzgerald, Ethel Waters, late Florence Mills, and finally Bill Robinson himself.

Robinson's dancing, and the thousands of hooters hammering at his door, remains without a doubt the undisputed master of the tap art, the numbers for which they are nicely by giving the gals in the line lessons in tapping up a wide flight of (Continued on page 55)

'Can't Take It' Folds on Broadway After 103 Weeks, Fifth Longest Run

When 'You Can't Take It With You' closed on Broadway Saturday (3) it just missed making a two-year run. It retired with a record of the fifth longest run, having played 103 weeks. 'Three Men On a Horse' recorded the same number of weeks but 'Can't' was given for 837 performances just two more than 'Horse'.

'Abie's Irish Rose' holds the record, with 'Tobacco Road' still current, with the runner-up. 'The Bat' and 'Lightnin'' are the other plays that exceeded 'Can't' and 'Horse'. Road company of 'Can't' also closed Saturday in Texas. Original company played most of the run at the Booth, moved to the Imperial and finally the Ambassador.

'The Fabulous Invalid,' which also folded Saturday, is a major casualty of the season. The closing of both attractions leaves Broadway without a Sam H. Harris presentation for the first time in years at this stage of the season. Same goes for Moss Hart and George S. Kaufman, who wrote both 'Can't' and 'Invalid'. However, the authors are co-producers of 'Sing Out The News,' at Harris' Music Box. Harris, Hart and Kaufman, however, will be in action again soon. 'The American Way' going into rehearsal at the Center, N. Y., next week. Hart and Kaufman wrote the piece which Harris will produce.

'Invalid' warmed the hearts of people connected with show business but could not climb to real money. Claimed to have operated to a profit during the eight weeks (65 performances) of the engagement but when takings dropped under \$14,000, the Broadhurst, where it was housed, lost money and notice to vacate came from its management, the Shuberts, who moved their 'Bachelor Born' there Monday (5) from the Morosco. 'Bachelor' has moved several times since it first opened a little less than a year ago. Total gross for 'Invalid' was about \$120,000.

THE FABULOUS INVALID

Opened Oct. 8, '38. Reviews were hot and cold. Anderson (Journal-American): 'A salute to the theatre.' Atkinson termed it 'A ponderous show that reaffirms the commonplace.' Variety (Ibex): 'Should be a definite click.'

'Glorious Morning' was withdrawn from the Mansfield after playing one week and one night. It's among a cycle of anti-dictator plays which failed to register.

GLORIOUS MORNING

Opened Nov. 26, '38. All except Lockridge (Sun) concurred in negative opinions. Watts (Herald Tribune) labeled it 'stern, but dramatically ineffective.' Lockridge: 'At times one of the most telling recently written against authority.' Variety (Ibex): 'Questionable stage fare.'

'Soliloquy' was withdrawn after the second night at the Empire. Drew weak press. Play was on the Coast prior to N. Y.

SOLILOQUY

Opened Nov. 25, '38. Thumbs down all around on this Empire entry. Brown (Post): 'It's all pretty confusing, and pretty bad, too.' Coleman (Mirror): 'In sum, it's a dud.' Variety (Ibex): 'Chances are that negative reviews will prevail.'

'Gloriana' shut at the Little on the same evening after playing four nights (opened previous Friday). It, too, drew thumbs down from the press. It was announced the play would be revised and resume this week, then the manager set reopening later in the month, but it's doubtful of reaching the boards again.

GLORIANA

Opened Nov. 25, '38. Critics thought alike on this—n. g. Atkinson (Times) called it 'a different stuff.' Mantle (News) said 'the whole adventure is unfortunate.' Variety (Laud): 'Does not bring enough to lift it into B. o. dimensions.'

'Lorelei' is still another casualty,

having been withdrawn from the Longacre after seven performances. Another ineffectual anti-Nazi drama.

LORELEI

Opened Nov. 29, '38. Another whose passport to Broadway was editorially revoked. Anderson (Journal): 'Four producers gave it everything it needed except a wastebasket.' Atkinson labeled it 'angularly fugacious drama, poorly acted and directed.'

MUSICALS' RISE HIKES CHORUS JOBS

Outlook for Chorus Equity is the most favorable since early depression season as result of the upswing in musical shows on Broadway this fall. Break came following the ruling which limited the chorus union to the legit stage and turned night clubs and presentation theatres over to the American Federation of Actors, the vaudeville union.

Last season the chorus group ran into a deficit, partly because of its outlays in the night club field, which were halted when jurisdiction was switched. Most of the deficit, however, was accumulated because there had been few musicals. Association is now stated to be operating profitably with the increase in musical shows. The percentage of members employed is the best in years. Indications are that last season's deficit has already been wiped out.

Edw. S. Brown Bkpt.

Edward Sargent Brown, theatrical producer, filed a voluntary petition in bankruptcy in N. Y. Federal Court Thursday (1) listing his debts at \$2,550 and no assets.

Among creditors he named in the petition are Actors Equity, to the account of 'The Intruder' company, \$300; Select Theatres Corp. (Shuberts), \$554 and Stage Mag, \$160.

'Where Do We Go From Here?'

Playwright William Bowers Seeks That Answer in Attempt to Revive Recent Fold

'Where Do We Go from Here?', which recently played a short engagement at the Vanderbilt, New York, may be put on for another try at the Mercury theatre, New York. William Bowers, its 22-year-old author, and Will Dean, one of the actors, are negotiating for capital to reopen it. Stated that all they need is about \$2,000 for the Equity bond and a guarantee for the house rental.

Oscar Hammerstein and Dwight Taylor, who presented the comedy at the Vanderbilt, have given Bowers the physical production. Young playwright had a tentative offer from the Shuberts to put the show into one of their houses, but that glimmered. There have also been two nibbles for the film rights, but nothing definite. Meanwhile, the cast is still available and if the needed coin can be raised, it will immediately go back into the show, presumably on minimum salaries. Players had offered to go co-operative to keep 'Where' running at the Vanderbilt, but Equity nixed the suggestion.

Bowers and the others figure the show might get by at the Mercury, since it could operate on an unusually slim nut there. Claimed it was steadily building at the Vanderbilt but the producers didn't care to carry it on the mere chance of its climbing into the money.

Regardless of whether 'Where' gets back on the boards, Bowers plans to stay in New York, at least for a season or two. Encouraging reception from the critics and other Broadwayites have convinced the author and his acting friends, who came

Dinehart Play for N. Y.

Los Angeles, Dec. 6.

Alan Dinehart's legit play, 'Thanks For My Wife,' is due for a Broadway opening in February if current negotiations go through.

Play was tried out in Santa Barbara several weeks ago with Dinehart and his wife (Mozelle Britton) as the leads.

Equity and S.A.G. Lend \$36,000 to AFRA for Drive

Equity has lent \$18,000 to the American Federation of Radio Artists for organization purposes and the Screen Actors Guild is said to have added to an equal extent. To date, AFRA has spent around \$65,000, but it's figured that no further heavy expenditures will be required.

Claimed the radio union has a deficit of \$2,000, not counting debts to affiliates in the Associated Actors and Artists of America, the parent performer union.

Equity agreed to help finance the radio union, after it relinquished jurisdiction over it, because a large percentage of its members are on the air. It had been estimated that had Equity organized radio it would have cost the association around \$50,000.

AFRA received \$12,500 from Equity sometime ago but recently asked for the balance, which was tentatively okayed several weeks ago. Amount was ordered paid by the Council last week.

McLaughlin Ill in Cleve.

Robert McLaughlin is reported seriously ill at Mt. Sinai hospital, Cleveland. He had been on the Coast for the past year or so but returned to his home town for treatment. Affliction is reported to be arteriosclerosis (hardening of the arteries).

McLaughlin formerly operated the Ohio, Cleveland, which booked legit shows for many seasons. He was also connected with several Broadway productions as author-manager.

Mgr. League Plans Curb on Ticket Taxes; Road Showmen Pledge Aid

Experience an Object

Prize story going the rounds among actors currently is the one about the young character femme who was turned down by a talent agency because she had too much experience. Asked how much experience she had to her credit, she told the legit agent she had been in Broadway shows for 10 years. 'Oh, you wouldn't do,' was the agency's reply. 'You see we are interested only in inexperienced people and in building them up.'

New movement to eliminate or lower theatre admission taxes has been started by the League of New York Theatres. An appeal for support has been made to out-of-town showmen through the National Association of the Legitimate Theatre, formed several years ago as an arm to the League, which consists of producers, house-owners and operators. Many replies from showmen, have been received, all favoring the idea. The answers were couched, too, with queries as to when shows would be sent into territory without them for years. Some local managers stated that because of the dearth of road shows, their houses had changed policy, mostly to pictures.

The American Theatre Council proposed sending field men to the road to work out subscription campaigns in support of touring shows next season. The plan has been in abeyance because producers have not indicated that shows will then be available.

ATC's program is to pass on plays submitted. They would be guaranteed against failure under the subscription system. Decision on whether field men will be sent out is expected to be made after the holidays.

CONKLE'S \$3,230 FOR 'PROLOGUE' TOPS FOR FTP

Top money in royalties paid to playwrights who wrote new shows produced by the Federal Theatre Project in the last three years appears to have gone to Edwin P. Conkle, who scripted 'Prologue to Glory.' He had received \$3,230 up to Oct. 31. Play recently closed in New York after playing 29 weeks. It's now showing out of town.

Authors of new plays presented by the FTP receive \$50 weekly for the first three weeks, \$75 for the next three and \$100 weekly thereafter. Some royalties are lower and range down to \$10 weekly.

It had generally been believed that Sinclair Lewis would have been paid top royalties for his 'It Can't Happen Here,' but the number of companies originally planned was curtailed. The Lewis play drew the biggest royalty, approximating \$6,000 in all, but the fees were split between Lewis and John C. Moffitt, who collaborated in the dramatization of Lewis' novel, 'Can't Happen,' royalties for the N. Y. engagement were \$2,800 and more than double that was earned on out-of-town showings.

William Du Bois was paid \$2,750 for 'Haiti.' Howard Koch got \$1,425 for 'The Lonely Man.' Frederic Wolf drew \$1,175 for 'Professor Mamlock,' and Paul Vulpuris \$1,170 for 'Help Yourself.' 'On the Rocks' was rated low, George Bernard Shaw getting \$220.

WPA recently announced it paid \$35,000 in royalties for new plays presented by the organization. Included are those handled by experimental units, including 'Everywhere I Roam,' by Arnold Sundgaard, which is being produced by Marc Connelly and Bela Blau on Broadway. Some 136 new plays, written by more than 100 authors, are listed by WPA as having been presented in the last three years. Most of the writers are unknowns.

Syracuse Pushes Am. Theatre; 3 Groups Start

Syracuse, Dec. 6.

Minus all drama since a series of road shows flopped last summer, Syracuse is now experiencing an amateur theatre movement. Three such units are currently active. A Community Theatre group, aided by local radio station, is being formed and may tie up with the Federal Theatre Project.

Sawyer Falk, director of dramatics at Syracuse University, is also dabbling with a little theatre project too, the university holding the lease on the Civic theatre, is getting acquainted. First play by the university, directed by Falk, will be 'Wings of Victory,' which will open for a six-night run Thursday night (9).

Albright's New Play

Untitled new play by Hardie Albright, who wrote 'All the Living' last season, may be tested in near future by Carnegie Tech drama school in Pittsburgh. Script has been sent to H. A. Boettcher, head of department, and he's known to be seriously considering a production. Albright is a graduate in dramatics at Tech.

Pre-Xmas Two-Week Shutdown for 'Sing Out' OK'd by Equity

Max Gordon was given an okay yesterday (Tuesday) by Equity to close 'Sing Out The News,' at the Music Box, N. Y., for two weeks before Christmas. It was provided, however, that the cast must agree to the closing and that Gordon must guarantee at least two more weeks' run when the show reopens. In asking for permission, Gordon explained that he hopes to find a larger house for 'Sing' and lower the scale from the present \$4.40 top. Musical has been doing most of its business on the lower-priced seats.

Permission was likewise granted by the council to Marc Connelly to rehearse his forthcoming show, 'Everywhere I Roam,' for five weeks instead of the usual four. Producer described his production as a spectacle somewhat in the nature of 'Green Pastures.'

In a special order of business, the council also instructed Paul Dullizek, executive secretary, to write letters to the various council members who habitually miss the body's meetings, requesting their attendance whenever possible and urging their cooperation. Final decision in all individual cases was left in the hands of the executive secretary.

Morgan Skips Radio To Produce 'Wife' on B'way

Hollywood, Dec. 6.

Brewster Morgan, radio producer for the Ward Wheelock agency and CBS, is returning to Broadway and his first love, stage direction. After consulting with Howard Reinheimer, theatrical attorney, who flew in from New York, Morgan took an option on 'William's Wife,' a play by Tom Lennon, scenarist. Morgan left yesterday (Monday) for the east to get started on the preliminaries and to try and induce Maurice Evans to play the lead.

Under contract to CBS as producer, Morgan will ask for an extension of his leave of absence to prepare, direct and produce the stage piece. He produced the recent Shakespeare summer series for Columbia.

Ullman on Coast To Direct FTP Operations

Los Angeles, Dec. 6.

James Ullman arrived from New York to replace George Gerwing as Southern California director for the Federal Theatre Project. He said he would spend a week getting acquainted with the job before making any changes.

Gerwing goes east Dec. 12 to take charge of the New England FTP.

CUT IN TICKET AGENCIES

Equity's Actor Protection from WPA; Wants Rehearsal Limits, Time Credits

Session held last week between Equity's WPA committee and the Federal Theatre Project heads in New York points to an agreement on several regulations. Establishment of a three-month period during which Federal shows must complete rehearsals and be ready for presentation is desired by Equity. WPA officers, however, were more leeway in production and did not assent to maximum time limit, which is more than double average for commercial shows.

Equity also seeks to set a five-week probationary period after which an actor may not be replaced (five days in the period of Broadway after which the actor must be paid at least two weeks' salary if not retained). Should players be transferred from one cast to another, all banked time for which player was subject to call would be canceled.

96 Hours a Month

Under the working arrangement the actor is guaranteed 96 hours within the fiscal period of one month so that all be entitled to the full security wage (about \$23.50 weekly). Hours "banked" to the benefit of the administration are recorded only during rehearsals and not beyond the first three months and all such time due is used within the last two weeks of rehearsals prior to opening.

Time Sheets

When players are called for rehearsal or casting it shall count as two hours, whether used or not, and the administration is to keep records (time sheets) on all unused time. No call is to exceed eight hours within one day. If the player is not needed on any specific day or days, he shall not be required to report at the office solely to sign in on the time sheets.

Those players not assigned to re-
(Continued on page 51)

London Whimsy

London, Nov. 22.

Real live 'ghost' is reported to be haunting BBC cleaners working in St. George's Hall, from which variety broadcasts are made. Claim they saw a top-hatted figure sitting in the stalls taking copious notes.

Query now is whether the 'haunt' is that of Neville Maskelyne, who founded the hall as a theatre of magic an 'illusion in the last century, who invariably sat in the stalls noting down criticisms of his own shows, and who was an avowed disbeliever in phantoms.

'BLACKBIRDS' TO OPEN IN N. Y.; KRAMER B.R.S.

'Blackbirds,' the colored revue which came a cropper in Boston because of bankroll trouble, is due to reform. Slated to open at the 44th Street, New York, Dec. 23. Musical will be moderately scaled, either \$2.20 or \$2.75 top.

Show is under the direction of Lew Leslie, who formerly presented colored revue with the same title. Backer is Nate Kramer, well-known to show business through his management connection with the Edison hotel, N. Y. Kramer called a halt on the money, and during the Boston date but decided to invest further after an agreement last week. Boris Said, operator of the 44th Street, is reported to have invested but that's denied.

SOLUTION FOR BROKER BEEFS

'Big Three' Threatens to Nix Tax Due to 'Small' Allotments — Appeasement Would Necessitate Curtailment of Distributors, Giving Rise to Talk of a Grab

HIGHER PRICES

Reduction of the number of agencies on Broadway is the intimated solution to the ticket situation so far as the leading brokers are concerned. Such a move was suggested by indirection last week when McBride's, Postal-Leblang and Tysons (Sullivan-Kay) told the League of New York Theatres protested the payment of 3½¢ per ticket, because, although major distributors, they were neither getting a break in the number of tickets allotted nor enough good locations.

Squawk over the ticket levy was interpreted as meaning that allotments should be increased, which would cut down the number given smaller agencies, if not elimination of the latter entirely. Other agency men quickly sensed the plan and claimed a grab was contemplated, which they charged was in the wind some months ago, prior to the ticket code.

In reply to the 'big three,' the League is reported to have asked for time to work out another allotment setup. How the League can disregard any of the brokers who
(Continued on page 50)

Hallie Flanagan Denies Charges At Dies Hearing That FTP Shows Contain Communist Propaganda

Social Significance

Washington, Dec. 6.

Cabinet Secretaries Frances Perkins, Henry Wallace, Henry Morgenthau, Harold Ickes, Assistant Attorney General Robert Jackson and William Green, president of the American Federation of Labor, attended showing of 'Pins and Needles' last night (Monday) at the National theatre here. All but Ickes wound up backstage after show.

Green is said to have decided to attend after being informed that John L. Lewis, head of the Congress of Industrial Organization, had switched his box to Wednesday night (7) benefit performance for the CIO.

First round in the preliminary skirmish between Hallie Flanagan, national director of the Federal Theatre Project, and the Dies committee, investigating un-American activities, was won today (Tuesday) by Mrs. Flanagan, who pointed out that FTP has been combating 'un-American inactivity' since FTP's inception in 1935.

Describing her organization as resting on the 'widest, most American base that any theatre has ever been built upon,' Mrs. Flanagan repeatedly denied charges that FTP productions contain communist propaganda or that she herself is a communist. Only 26 out of 824 FTP productions, including 'Third of a Nation,' 'Power,' 'Injunction Granted' and similar plays, are propaganda, she declared, and these are built upon 'propaganda for democracy, but not for communism.'

Ties Up Probers

The Vassar professor, who received first Guggenheim Foundation Fellowship ever given to a woman and was sent to Europe in 1926 to make a comparative study of the theatre in various lands, succeeded in tying up committee members on numerous points in the testimony. Greatest discomfort was shown by Representative Starnes, Alabama, who criticized use by Mrs. Flanagan of the word 'Marlowe-esque,' and charged that she was 'quoting from this fellow Marlowe—and he's a communist, of course.' Mrs. Flanagan's reply that she was referring to Christopher Marlowe, 16th century British poet, drew snorts of appreciation from spectators.

Yesterday's squabble over 'Return of the Beavers,' children's FTP production, was also defended by the diminutive Vassarite. Criticism of Brooks Atkinson, New York, Times drama critic, that play tended to interest kids in revolution, was questioned by Mrs. Flanagan, who brought out replies of 50 public school moppets showing that their
(Continued on page 51)

MINTURN FOR MCGEE AS MIDWEST FTP HEAD

Chicago, Dec. 6.

Revision in the executive lineup of the local Federal Theatre Project, has resulted in the departure of John McGee as head of the midwest division, and his replacement here by Harry Minturn.

Minturn had previously served a short term as acting chief here following George Kondolf's shift to the New York division.

McGee figures to continue with the FTP elsewhere.

Phil Baker Folds 'Idiot' in Toronto; Hits Tour 'Check'

Montreal, Dec. 6.

Phil Baker is closing with 'Idiot's Delight' in Toronto this week (10), disbanding his company of 35, and returning to New York instead of proceeding to the Coast with the show, as originally planned.

Despite reported advance sales of close to \$5,000 for the Toronto booking, Baker stated here that in view of the limited territory, which has been made available to him by the Theatre Guild, he cannot undertake to pilot the Robert E. Sherwood opus any further.

Baker said that he had asked the Guild to open up southern territory where he is very well known through radio, but claimed his route had been limited to Toronto, Buffalo, Salt Lake City, Los Angeles and San Francisco. Play has already been done on the Coast. In Buffalo the Lunts nosedived with the same production.

It's understood that the Theatre Guild has refused to open up any more territory for Baker on the grounds that the Lunts, whom they presented last year in the piece, may tour with their own production in the towns Baker wanted to play.

The Baker production of 'Idiot's Delight' drew rave notices from the local dailies, with high praise for Baker's performance, but with little effect in jacking up boxoffice receipts.

Show only did about \$5,500 on the week here. Baker is said to have dropped plenty in the piece, about \$3,000 in Montreal alone.

zPhil Baker is set on a new radio commercial via CBS Jan. 7.

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8 St. Martin's Pl.

TMAT, Shuberts In Wage Row On Hub, Chi Mgrs.

Theatrical Managers, Agents and Treasurers union, although reported to have agreed on wage scales for the front of the house in key cities, has come to an impasse with the Shuberts over the pay of theatre managers in Boston and Chicago. TMAT, at a board meeting last week, set today (Wednesday) as the deadline for ending the argument. Otherwise, picketing in both spots may follow if the board does not order out the boxoffice staffs.

Minimum set by the basic agreement in New York calls for \$100 weekly salary for house managers. Shuberts have offered to pay \$85, saying that such jobs should not call for the same pay as for N. Y. legiters. Company managers receive higher pay when on the road, minimum being \$150.

The Shuberts are said to contend that neither Boston nor Chicago is as important theatrically as other road stands, a viewpoint contested by TMAT on the strength of records. For a time Boston led out-of-town stands while Chicago, which had that rating for years, now tops, figured by the number of attractions playing the Loop.

Manager of the Colonial, Boston, is paid the union scale of \$100. House is an Erlanger property.

Cohan's \$45,300 Another Chi Record; 'Susan' 16 1/2 G, 'Whiteoaks' Fair \$8,000

Chicago, Dec. 6. Having set a new legit mark for Chicago in his first week of 'I'd Rather Be Right' when he stuffed over \$45,000 into the Harris Auditorium, George M. Cohan proceeded to outdo himself last week and topped that initial success's numeral by over \$25,000. Business such a tidal wave that Sam Harris will hold the show in Chicago for an additional week beyond its original three-stanza booking.

Cohan gobbled up practically everything in town, and made himself felt at the Harris box-office where he cut into Gertrude Lawrence's coin. For the first time since its opening several weeks ago, 'Susan' fell below the shoehorn mark. Show will exit on Dec. 31. Despite the fact that it is under capacity, 'Susan' is nevertheless garnering smash profits and could easily stay beyond the first of the year on the right side of the books.

First rapping of the season went to 'Whiteoaks', which around this town have gotten so mellow lately that the spanking for the Ethel Barrymore show came as a genuine surprise. Show isn't doing well and will ship at the end of its scheduled three-week jaunt; to be replaced on Dec. 26 by 'Shadow and Substance'.

'On Borrowed Time' finished a month in town on Saturday (3) and folded, with the company returning east. 'Amphitryon' came in last night (Monday) and will be a clinch for a powerful four weeks on the Lunt-Fontaine rep.

Estimate for Last Week
'I'd Rather Be Right', Auditorium (3d week), (\$4,500; \$3,300). Hanging on the chandeliers for this one, and show will hold into a fourth week. Smashed through to a new high of \$45,300. With additional week, show now figures to clean to nearly \$200,000 in its four weeks' stay.

'On Borrowed Time', Grand (1,400; \$275). Failed to stir up the legions of this town. Company folded on Saturday (3) after four week sessions, concluding with good \$9,500 for finale on closing night.

'Susan' and 'Hairs' (8th week) (1,000; \$275). Dropped from capacity for first time last week, but takings still in the bright profits at \$18,500. Four more weeks, and a clinch for coin every week of the closing stretch.

'Whiteoaks', Selwyn (2d week) (1,000; \$275). Critics dug their hooks into this one—unusual. Not much in sight. Around \$8,000 for the opener and strictly all Ethel Barrymore coin.

WPA
'Prologue to Glory', Blackstone. Near end of stay.

'The Mikado', Great Northern.

'Pins' Does Fair \$11,000 In Pitt; Unions Help

Pittsburgh, Dec. 6. Several theatre parties organized by various unions around town kept 'Pins and Needles' in the air in fair fashion at Nixon last week.

Not an ermine coat opening night, an almost unheard-of phenomenon, with the unexpected and accounting for most of the biz. There was a weak downstairs sale, despite the \$2 top, and heavy buy for balcony and gallery. Critics liked it, though they weren't as enthusiastic as their Broadway brethren. Nixon has 'Golden Boy' current, playing under American Theatre Society auspices.

Estimate for Last Week
'Pins and Needles' (Nixon); 2,100; \$220.—Labor Stage revue got a nice play from the trade unions and with help of several private parties, managed to come out with a bit of profit at \$11,000. Regulars, however, stayed away.

'Life' Lively \$8,000 In St. Loo; Cohan Next

St. Louis, Dec. 6.

This burg patronized 'What a Life' enthusiastically and the b.o. take for nine performances ending Saturday (3) at the American Theatre just missed the five figure mark. Local crick kicked in with raves.

House is dark currently, for the second time this season, but reopens Monday (12) with a seven-day stint for 'Of Mice and Men'. Management has a surprise in store for natives on New Year's eve as the house will be open from \$2 to \$5.60 for 'I'd Rather Be Right', which comes here as the show's engagement Monday (26). This will be the highest top in many years, but reservations are piling in, and the Cohan piece is expected to produce the banner biz of the season.

Estimate for Last Week
'What a Life', American (1,707; \$224). Copped \$8,000 for nine performances, which was very satisfactory at this price.

'Torch Bearers' Weak \$6,000 in L. A. Revival

Los Angeles, Dec. 6. Biltmore re-lighted for single week and revival of 'The Torch Bearers', which failed to attract any undue attention. House again dark until Jan. 9 when Lucien Henri's production of Ben Johnson's 'Sejanus' moves in as initial offering of new Manhattan Theatre.

Federal Theatre Project continues with long runs at the Mayan and Hollywood Playhouse, and will debut 'Volpone' at the Belasco (10).

The Torchbearers, Biltmore. (C-1,580; \$275). Lucky to hit \$6,000. Plan is to fold, although negotiations still on to take piece to Broadway.

WPA
'Volpone', Belasco. Opens Saturday (10). Peter Heiman directs.

'Two-a-Day', Hollywood Playhouse. Continues to attract big crowds and will probably stick until first of year.

'Run, Little Chillum', Mayan. Long run negro drama in at least until Christmas.

'TOWN' OK 13G, 'TRLBY' 6G, 'PHILLY'

Philadelphia, Dec. 6.

Philly legit season is hibernating these days with two absolutely dark weeks announced as starting next Monday. This week's sole attraction is Walter Hampden in a revival of 'A Successful Calamity'.

Crix bounced all over Hampden's revival of 'Trilby' last week, but thanks to two-for-one and the absence of much competition, the old Du Maurier favorite reported some profit.

'Our Town', last show in the Shubert-operated houses, ended its two weeks' stay Saturday night (3) and thanks to the ATS foundation, it completed a nice engagement.

On Dec. 26, four shows open: Eddie Dowling's 'The White Steed', slated for the Chestnut Street Opera House, is a try-out; 'What a Life' is set for the Locust. Other two are turn engagements, 'Victoria Regina' at the Forrest, and 'Yes, My Darling Daughter' at the Erlanger. 'The Women' follows 'Regina' at the Forrest.

Estimates for Last Week
'Our Town', Locust (2d week) (1,400; \$250). Final week on subscription gave it a sound \$13,000.
'Trilby', Erlanger (1,700; \$21). In for one week only, revival by Walter Hampden was panned but pulled an okay \$6,000.

'Women' \$12,200, Cincy; 'Road' Tries 5th Time

Cincinnati, Dec. 6.

'Tobacco Road', with John Barton opened a week's stay at the Cox theatre Sunday (4) at \$1.70 top. It's the show's fifth Cincy engagement.

Estimate for Last Week
'The Women', Cox (1,335; \$275). Sprightly reviews and verbal plugs helped for \$12,200, second best of the local legit seasons.

'Shadow' \$6,000, Buff.

Buffalo, Dec. 6.

'Shadow and Substance' at \$2.75 top for four performances drew better than \$6,000 here.

Figure is excellent and generally regarded as justifying better split-week engagements here.

'MIKADO' \$5,000, MAPLEWOOD

Maplewood, N. J., Dec. 6.

Frank McCoy and O. E. Wee, after 24 weeks of dramas and comedies, did the unexpected and presented Gilbert and Sullivan's 'Mikado' with the same success attending their other offerings. With Howard Marsh starred, the b.o. turned in over \$5,000, which was splendid considering that the first two nights were handicapped by bad weather. Run ended over production. Current attraction is Fred Hunter's 'Lullaby'.

Estimate for Last Week
'The Mikado', Maplewood Theatre (1,420; 25c-\$1). One of the best productions of the season, b.o. hitting over \$5,000. Turnaway business latter part of week.

LUNTS 16G, DETROIT

Turn in Fine B.O. on 'Sea Gull' After \$19,000 for 'Amphitryon'

Detroit, Dec. 6. After clipping off nice \$19,000 with 'Amphitryon' the previous stanza, the Lunts came back with 'The Sea Gull' last week to grab a strong \$16,000 for a very profitable two-week stand at the present hour.

Current is Everett Marshall in 'Blossom Time', perennial visitor. Set for one week.

Estimate for Last Week
'The Sea Gull', Cass (1,600; \$275). Fine \$16,000 follows nice \$19,000 for 'Amphitryon' the previous stanza. 'Blossom Time' now in.

'GOLDEN BOY' \$16,500, D. C.

Washington, Dec. 6. Thanks to heavy American Theatre Society reservations, good reviews and swell word of mouth, 'Golden Boy' did beautifully for show, which has played Broadway long enough for most of smart set to have caught it.

'Pins and Needles', current offering, is riding high on bally and political interest, retelling the story when it played the White House East Room for F. D. R. and at the Mayflower hotel for press and government. Two among the best of the season are entirely bought for benefits by Women's Trade Union League, which is getting \$4 per seat against house's regular \$2.75 scale. Washington Industrial Union Council and Washington League of Women Shoppers. Friends of Spanish Democracy have taken balcony for one performance.

Estimate for Last Week
'Golden Boy', National (1,698; \$275 top). Heavy ATS subscriptions, good word of mouth, and word got the clout that smart set had caught it on Broadway. Grossed \$16,500.

STONE LIGHT \$2,500. 3 SHOWS, NEW HAVEN

New Haven, Dec. 6.

Fred Stone's 'Lightnin'' did a two-day stand here last weekend (2 and 3) to mild gross. Opening day bally of mayor giving keys of city to Stone helped a little. Other two are the reception of play was favorable, with old-timers getting a kick out of Stone's gagging at certain call, but there weren't enough old-timers to fill the place.

Only other booking here is 'Pins and Needles' week of Jan. 2. New Dwight Dore Wiman musical is tentative for mid-January.

Estimate for Last Week
'Lightnin'', Shubert (1,600; \$220). Three shows pulled around \$2,500, light.

'Three Men on Horse' So-So \$2,000, B'klyn

Brooklyn, Dec. 6.

Good production of 'Three Men on Horse' with members of original cast at Shubert met with negative results and house got mild \$2,000. Beathebro opened with 'If You Get It, Do You Want It?' new play, will hold its another week, though biz thus far is none too good.

Competition last week was sellout of 'Night of the Academy' of Music, which brought together George Jessel, Eddie Cantor, Giovanni Martinelli and others. Strictly one-night stand, but judging by attendance stunt may be repeated.

Estimates for Last Week
'Three Men on Horse', Shubert (1,750; 25-85). Good cast, good notices, but not much dough in till. Only \$2,000.

'If You Get It, Do You Want It?' St. Felix (287; 50c-\$1.50). New opus with some subscription biz, but nothing more.

Engagements

Beatrice Trice, Eleanor Flagg, 'Bright Rebel', 'Set to Music'.

Hayden Rorke, John Raby, Malcolm Atterbury, 'Don't Throw Glass Holes'.

Heled, Westley, Betty Garde, Betty Field, Philip Wood, Russell Hardie, 'Primrose Path'.

Farrell Pelly, Grace Mills, Leslie Bingham, Tom Patrick Dillon, Tom Tully, William Price, 'The White Steed'.

Enid Raphael, 'Policy Kings'. Dorothy Johnson, Anna Mary Dickey, Louise Verden, Vera Deane, James Burrell, Eugene Knapp, Charles Clarke, Earl Weatherford, John Urban, Robert Breen, Bob Collins, Ray Johnston, 'Everywhere I Roam'.

Philip Colledge, Carrie Elder, Edward F. Nannary, Max Wellington, Tom Elwell, Minna Phillips, 'Merchant of Yonkers'.

20 B'way Shows, Lowest December In Yrs.; Musicals Big; Production Spurts with 15 Shows Rehearsing

There are fewer attractions on Broadway currently than during any early December for a generation. Total right now is 20. Same period last year was none too strong numerically, but there were half a dozen more shows on the list. Reason for the current dip is the rapidity with which a flock of new productions was withdrawn soon after debut; plus the fact that fewer moderate successes have been staged. Shows either register solidly as hits or definitely crash as flops.

Number of clicks last season and this are comparable to date, with the musicals currently having a distinct edge in popularity. But there were six closes last Saturday (week after Thanksgiving), which balanced a like number of entrants during the holiday week. Out of 10 premieres in the past two weeks seven have resulted in distinct failures, one or two many do moderately well, and only one is an indicated success—'The Boys From Syracuse' (musical).

However, 10 more shows went into rehearsal as of Dec. 15, the best production upturn since the earlier part of the season. Also, new show cards for late this month and January are considerably more promising. Two among the crop are musicals, with another probably starting next week. Currently, there are two arrivals, but none carded for the coming week. One of the week's parties of interest, two went off the boards pronto—'Lorelei' at the Longacre and 'Soliloquy' at the Empire. Existing list was further loaded with the revival of 'The Fabulous Invalid' at the Broadhurst, 'You Can't Take It With You' at the Ambassador, 'Glorious Mornin'' at the Mansfield and 'Gloriana' at the Little.

'Great Lady', which opened at the Majestic Thursday, drew a heavy panning with one exception. 'American Landscape', which bowed in Saturday (3) at the Cort, was accorded respectful, but not, respectively, 'Rock to the Moon' and other recent entrant, looks like a moderately good grosser at the Belasco, but moves from there soon to the Windsor.

The pre-Christmas slump started last week, but the declines in grosses were not marked. This week will no doubt be seeing a more material drop. However, the three leading musicals did to great effect. 'Leave It to Me', \$35,500; 'Boys From Syracuse', \$31,000, and 'Hellzapoppin', \$30,500. Latter is the most sought in the Winter Garden theatre, the nut revue more popular than ever. Straight play leaders continue to be 'Abe Lincoln', \$21,000; 'Kiss the Boys Goodbye' and 'Goodbye, White', both of the latter around \$18,000.

Estimates for Last Week
'Abe Lincoln in Illinois', Plymouth (8th week) (D-1,036; \$330). Dramatic leader drawing capacity at all performances for weekly total of \$21,000. Sure stayer for World's Fair.

'American Landscape', Cort (1st week) (D-1,058; \$330). Opened Saturday (3). Anti-dictator drama drew mixed notices, mostly on the doubtful side.

'Bachelor Born', Broadhurst (46th week) (D-1,071; \$330). Switzer's houses again, moving over here from the Morosco on Monday (5). Estimated \$4,500 last week after \$6,000 Thanksgiving week.

'Boys From Syracuse', Alvin (3rd week) (M-1,255; \$440). One of recent musical arrivals and expected to make real run of it. Takings \$31,000 and show spans season.

'Gloriana', Little. Withdrawn after four days and doubtful of reappearance.

'Glorious Mornin', Mansfield. Withdrawn Saturday (3) after playing one week and one night to meagre attendance.

'Great Lady', Majestic (2d week) (M-1,712; \$330). Opened Thursday (2). Good Thelma Houston drew mixed notices, mostly on the doubtful side.

'Hellzapoppin', Winter Garden (12th week) (R-1,671; \$330). Laugh revue is stronger than ever and is number one in ticket demand; \$30,500. Stands at all performances; clinic for World's Fair.

'Here Come the Clovers', Booth (1st week) (D-704; \$330). Presented by Eddie Dowling written by Philip Barry; cast includes several vaudeville but serious play; opens tonight (7).

'I Married An Angel', Shubert (11th week) (M-1,367; \$440). Business has eased off with arrival of 'Hellzapoppin' and 'Boys From Syracuse', however; \$22,000 estimated.

'Kiss the Boys Goodbye', Miller (11th week) (C-944; \$330). Comedy leads among straight shows with virtually no opposition; business approaches \$16,000; capacity at all shows.

'Leave It to Me', Imperial (5th week) (M-1,468; \$440). Top musical grosser; standee business with takings last week again quoted around \$35,500.

'Lorelei', Longacre. Taken off Saturday after playing seven performances; adverse press and little trade.

'Knickerbocker Holiday', Barrymore (8th week) (M-1,096; \$440). Among the better musical money draws; eased off slightly last week when gross approached \$19,000 mark.

'Oscar Wilde', Fulton (6th week) (D-913; \$330). Early hit figured to be strong; b.o. business around \$16,000 last week with most performances sold out.

'Rocket to the Moon', Belasco (3d week) (D-1,008; \$330). Ruled around \$10,000 first full week; three theatre parties helped; should fare moderately well.

'Sing Out the News', Music Box (11th week) (R-1,118; \$440). Business dropped after the holiday affected attendance as with most attractions; rated around \$13,000.

'Soliloquy', Empire. Withdrawn after two performances last week.

'Spring Meeting', Morosco (1st week) (CD-961; \$330). Presented by Gladys and Phil McGraw; association with Le. Ephraim and George Jessel; English import by M. J. Farrell and John Perry; opens Thursday (4).

'The Fabulous Invalid', Broadhurst. Closed Saturday after playing eight weeks; major disappointment; deep in red.

'Tobacco Road', Forrest (261st week) (D-1,107; \$165). Has completed fifth year and is second to 'Abe's Irish Rose' in point of marathon run; rated around \$4,500, and okay because of low operating unit.

'Victoria Regina', (repeat) Martin Beck (10th week) (CD-1,214; \$330). One more week after this; staying longer than first planned and profitable every week; around \$14,000 estimated.

'What a Life', Biltmore (34th week) (C-891; \$330). Stays through month and may then move to another theatre; around \$4,500, satisfactory with modified co-operative set-up.

'You Can't Take It With You', Ambassador. Closed Saturday (3) after long run of nearly two years (103 weeks); cleaned up most of the way.

Revised
'Hamlet', St. James (8th week) (D-1,520; \$330). Business eased off last week, but now Thanksgiving biz gross of \$15,000 satisfactory; engagement announced to continue until Jan. 21.

Added
'Pins and Needles', Labor Stage (54th week) (R-500; \$275). Passed the year mark last week and is aimed through another winter; business for closing week is estimated to approximate \$6,000, which is profitable.

'The Girl From Wyoming', American Music Box (1st week). Free night spot attraction drawing moderate attendance.

WPA
'The Big Blow', Elliot.

FINAL 'LANDSCAPE' HALF WEEK 4G, HUB

Boston, Dec. 6.

No legit in town this week. 'Merchant of Yonkers' by Thornton Wilder, starring Jane Ayl, is next on the list for Dec. 12. 'Set to Music', by Noel Coward, starring Beatrice Lillie, opens Dec. 26.

'American Landscape' left Wednesday (30) and will be a big success among the show-wise. Good audience reception, although b.o. tally was light. Majority of critic here were dubious about its hit qualifications.

Estimate for Last Week
'American Landscape', Wilbur (1,227; \$275) (2d wk.). Weak grosser, although it sold a larger percentage most theatregoers who came to see it. Final, half-week, around \$4,000 on four performances.

'Town' Looks Okay In Balto; 'Pins' Follows

Baltimore, Dec. 6.

'Our Town', currently at Ford's, off to a headlong start with healthy mail order and advance sale. Seems set for a lusty gross in keeping with bally, but doubts for legit here thus far. Although bookings have been sparse to date, take for attractions this season has been far above average of previous seasons.

Some action ahead with 'Pins and Needles' in at Ford's next week and George Abbott's premiere of 'The Primrose Path' set for indie booked Maryland Dec. 16. 'Pins' engaging Ecstasy, by George Frank and Roland Kibbee will be presented by Alex Yoke and George Jessel at same house Jan. 8.

Plays Out of Town

If You Get It, Do You Want It?

Brooklyn, Dec. 1.
Comedy by Leonard L. Wolf and John Becker, presented by Brattleboro Theatre; staged by Hans von Twardowski; settings by Albert E. Ward, Jr. At the St. Felix, Brooklyn, Nov. 30, '38, \$1.50 top.
Jane Barry.....Millicent Wright
Millicent Fowler.....Archie Childs
Alan Porter.....Albert Smith
Frank Downing Jacob Stuyvesant, Jr.....H. Stevens, Jr.
Woman in Yellow.....Josephine Bender
Mrs. Jacob Stuyvesant.....Vilma Rotten
Henry Joslin.....Richard Robertson
Frouse.....Elizabeth Neumann
First Fashionable Woman.....Sally Nye
Lulu.....Francis Pichard

Definitely dull stuff. It is the second of a series of new plays to be offered this season by Brattleboro group of ambitious performers. Hereafter management has gone outside for play material, but this time they picked an opus under co-authorship of John Becker, one of executives of Brattleboro.

Play attempts to satirize artists and art galleries and, in particular, takes a poke at snob rich who enjoy paintings with an eye to having the staff match their livingroom drapes. It's the story, loosely told and thinly constructed, of Letterson, played by G. Albert Smith, gentleman fisherman, who is prevailed upon by his fiancée, much against his will, to open an art gallery in New York and to exhibit the work of Alan Porter, portrayed by Frank Downing. Gallery proves a disappointment until Porter insults a rich patroness of the art scene, played by an amazing episode find its way onto the front pages of a tabloid. From then on everybody makes a bee line for the gallery to buy the paintings and business booms. But Letterson screams to his fiancée by the sea, leaving him his fiancée and her pack of friends.

Nothing bright in the way of staging by Hans von Twardowski, supposed to have come from the Coast where he worked in pictures and directed for Pasadena Community Playhouse. First act set okay by Albert E. Ward, Jr. Rest distinctly routine.

Good performances are turned in by Susanna Steel, the star, and Jimmy Wright as Letterson's Negro servant. But play is not nearly sturdy enough. Ranson.

AND NIOBE WEPT

Pittsburgh, Nov. 30.
Drama in three acts by Tom Wilmot; presented by the Pittsburgh Playhouse. At Playhouse for two weeks, opening Nov. 28, '38.
Steve.....Paul Forrest
Mrs. Thompson.....Dorothy Scott
Caroline.....Kitty Campbell
Gregg.....Edward Komperda
Mr. Thompson.....Edwin McLean
Paul.....Edward Busch
Jean Miller.....Margaret Benson
Dr. Reid.....David Linn
Eleanor Barlow.....Ilen Krieger

Not bad for a first play, but much too ambitious for an inexperienced author. Written by Tom Wilmot, who has done a lot of scripting for radio and served a stretch of years ago as one of Joe Penner's gagsters, 'And Niobe Wept' is pretty heavy fare and extremely doubtful commercially. Play is a mixture of 'Silver Cord,' 'Oedipus' complex and psychopathic spook stuff, the sort of thing even a combination of Eugene O'Neill and Maxwell Anderson would be hard-pressed to make convincing.

Title stems from ancient legend of Niobe, whose seven sons and daughters were slain by Apollo and Diana because the mother openly boasted that her offspring were far more beautiful than those two. The proud dame was subsequently turned into stone and continued to weep forever out of granite eyes. Modern parallel concerns a bitter, inhibited mother whose favorite is the black-sheep among her three sons.

When Paul, the black sheep, is killed in an automobile accident, Gregg, the successful one in the family, insists he murdered him. He had wished for late death, he wishes, even going so far as to consider poi-

soning him because Paul had stolen Gregg's girl and always forced him to pay for getting the other out of his counting scrapes.
Mother then spits out her hate at Gregg. Her oldest son, she says, never had a chance because Gregg was always his superior, in school, at play in business and everything, and that she despises him because he's all that she wanted Paul to be. Imagined guilt preys so much on Gregg's mind that he cracks and comes back home two months later against mother's wishes a split personality.

Half of him has become his dead brother, and when the mother sees this, she shows her affection on Gregg and tries by suggestion and action to keep him from returning to his own personality. In one of his rational moments, however, Gregg realizes he's doomed mentally and takes his own life at the end, and mother knows she has lost her favorite for second time.

Idea is different and has some dramatic possibilities, but development here is confused and somewhat unreasonable. Laughs, of a domestic nature, are concentrated in opening stanza and come off so well that the suspicion arises that Wilmot's field perhaps should be comedy rather than tragedy. Uneven acting didn't help performance any, but doubtful if even Equity's best could make play stick in its present form.

'And Niobe Wept' is first original play. Playhouse has ever done. Directed here by Fred Burleigh, who first tried out play this summer at Cohasset, Mass., at private performance by South Shore Players' apprentice group. Its chances of getting anywhere are pretty slim although Wilmot shows enough possibilities to indicate he's evidently going places. Cohen.

Shows in Rehearsal

'It's All Yours' (Swing to the Left)—Dwight Deere Wiman.
'Dear Oedipus'—John C. Wilson.
'The Primrose Path'—George Abbott.

'The White Steed'—Eddie Dowling-Shubert.
'Mama's Daughters'—Guthrie McClinton.

'Angela Is 23'—John Wildberg.
'Gentle People'—Group.
'Michael Drops In'—Edward Massey and Louise Elkins.

'Don't Throw Glass Houses'—Contemporary Theatre.
'Set a Music'—John C. Wilson.

'Outward Bound' (revival)—W. A. Brady, Robinson Smith, Bramwell Fletcher.
'Merchant of Yonkers'—Herman Shumlin.

'Everywhere I Roam'—Connelly and Blau.
'Night Rebel'—William Killeulen.

One-Act Repertory—Sam H. Crisman.

Future Plays

'Central Casting' Hollywood farce by Nicholas Cosentino, will be unveiled Dec. 13 for a week's engagement at the Brooklyn Shubert theatre. Slated for the Broadway, N. Y., around Christmas.

'Policy Kings' burlesque on the number racket, by Michael Ashwood, skidded to tenant the Bayes, Dec. 26. Rehearsals start tomorrow (Thursday).

'Jeremiah' new addition of the Theatre Guild is a pacifist play following the World War. Casting began this week under Worthington Miner's direction.
'Sejanus' by Ben Jonson, skidded to preem Jan. 9 at the Biltmore, Los Angeles, is the first production of a Coast company, newly formed, by Lucien Henri. Firm will be permanent and plans provide for four legit offerings a season.

Agencies

(Continued from page 47)

signed the code agreement will probably be one of its toughest problems. It's probable that several agencies charged with violations will be dropped, which would lighten the pressure.

'Not Enough Tickets'

Principal complaint by the brokers recently is that they are not able to get enough tickets. The number of flops in the past month and quick closings of others have emphasized that. Suggested that some of the smaller agencies combine and reduce the overhead; otherwise, they may be forced out of business. Such a development would not disturb the managers, who pointed out they have often produced blunders and lost bankrolls without recourse.

Last week, at a meeting of the League and Equity's committee, which listened to contentions of the Associated Theatre Ticket Agencies, composed of accredited ticket brokers other than the 'big three,' no action was agreed on. Equity thought that some modifications of the rules might be in order, such as permission to make buys and an interchange of tickets among agencies.

Higher Prices

Managers appear to have quickly quashed such suggestions and explained that buys would lead to higher prices, which, they said, would also apply to interchanges, which would call for at least twice the 75c allowed under the code. Stated later that the Equity committee would not report the suggestions favorably to the council.

ATTA sent a delegation to Howard Spellman, of the city Council, to give the brokers' side of the ticket matter. Spellman was told that agencies have often saved shows and promoted production, thereby being a definite and beneficial factor in show business. The alderman has introduced a bill making it a misdemeanor to sell tickets for any place of admission for more than 75c over the boxoffice scale. League's ticket code applies only to legit theatres.

Several theatres that did not sign the code have joined the League, automatically making them code adherents. The houses are the St. James, Lyceum and 44th Street. Still not members are the Biltmore, Vanderbilt, Mercury and Labor Stage.

Number of brokers bought tickets outright for New Year's eve and claim the right to sell at any prices they can secure. League ruled such sales should not have been made and that regular allotments apply to all performances. No refunds on 'eve tickets were made, however.

Monday (5) the League dropped a lesser broker from the accredited list after he was detected dealing with a bootleg agency. There was no fine because the code's provision that brokers file bonds guaranteeing compliance has been dormant. League contends restrictions are so severe such bonds are not necessary.

Two other agencies delinquent in payment of the ticket levy were called to account and promised remittances.

Equity's committee also conferred with the League, stressing the possibilities for servicing suburban theatregoers. Proposed that several department stores, where theatre tickets were formerly available, be contacted to learn if the service could be advisably resumed. These stores would serve as information sources on shows and would be able to issue orders for tickets after making negotiations with theatre. When the number of legit theatres declined some years ago the stores dropped the theatre departments.

Plays on Broadway

(Continued from page 48)

'Lady' is rated the most costly show of the season, inclusive of expenses incurred on the road. First half of the performance is diverting and tuneful, and were the second section as good, the show's chances would be much better.

There is probable picture value, regardless. Rees.

LORELEI

Drama in three acts (four scenes), by Jacques Deval. Stars Philip Merivale, Louis L. Lomax, Dennis King and Staged by the author; settings by Les Simonson; presented by Aldrich & King, in association with Sir Cedric Hardwicke; associate producer, Richard Myers; at Longacre, N. Y., Nov. 20, '38, \$3.50 top (\$4.50 opening).
Robert.....Jack Merivale
Louise.....Louis Lomax
Eric Rumpkin.....Philip Merivale
Mina Rumpkin.....Lois Roache
Antonia.....Larry Bolton
Simone.....Cobina Wright, Jr.
Ruprecht Elsenkrantz.....Dennis Hoey
Dora Bennett.....Edna Holland
Samuel Kroner.....Bernard Lenrow
Julia.....Elizabeth Heckscher
French Trumpeter.....Taylor Graves
Gendarme.....Charles Atkins
Priest.....Arnold Korff
Conrad von Ritterbach.....Arnold Korff
Lisa von Ritterbach.....Esther Mitchell
German Telephone Operator.....Robert Lindsey
German Sergeant.....Sandy Strauss
French Corporal.....Charles Atkins
French Soldier.....Robert Gray

Latest anti-Nazi play to reach Broadway appears to have no more chance than its predecessors. After a number of postponements, and several scenes of extra rehearsals, the show finally premiered last Tuesday night (29). Indications are that the presenters might as well

Current Road Shows

(Week of Dec. 5)

'A Success in Calamity' (Walter Hampden), Erlanger, Philadelphia.
'Amphitryon'—'Sea Gull' (Lunt and Fontanne), Erlanger, Chicago.
'Blossom Time', Cass, Detroit, (4).
'Dracula', Shubert, Brooklyn, N. Y.
'Golden Boy' (Luther Adler—Frances Farmer), Nixon, Pittsburgh.
'I'd Rather Be Right' (George M. Cohan), Auditorium, Chicago.
'Idiot's Delight' (Phil Baker), Royal Alexandra, Toronto.
'Of Mice and Men', Auditorium, St. Paul (5-6); Lyceum, Minneapolis (7-10).
'Our Town', Ford's, Baltimore.
'Pins and Needles', National, Washington.
'Shadow and Substance' (Cedric Hardwicke), Hanna, Cleveland.
'Cornelia Otis Skinner, Curran, San Francisco.
'Susan and God' (Gertrude Lawrence), Harris, Chicago.
'Tobacco Road', Cox, Cincinnati.
'Torchbearers', Biltmore, Los Angeles.

'What a Life', Hartman, Columbus (5-7); English, Indianapolis (8-10).
'Whiteoaks' (Ethel Barrymore), Selwyn, Chicago.

'Women', English, Indianapolis (5-7); Hartman, Columbus (8-10).
'You Can't Take It with You', City Auditorium, Beaumont (5); Paramount, Austin (6); Texas, San Antonio (7); Auditorium, Ft. Worth (8); Melba, Dallas (9-10).

RESTORE TARHEEL THEATRE
Charlotte, N. C., Dec. 6.

Gutted by fire last August, the interior of the Carolina Playmakers theatre at the University of North Carolina has been restored.

The playhouse was formally reopened with a bill of experimental plays Saturday (3).

SKINNER'S 66, PORTLAND.
Portland, Ore., Dec. 6.

It was practically a sellout for Cornelia Otis Skinner's three performances at the Rivoli at \$2.65 top last week.

Two nights and one matinee grossed about \$6,000.

have saved the trouble and expense for 'Lorelei' is a woefully tepid drama that seems headed for sudden death.

Play was written in English by Jacques Deval, whose 'Tovarich' was adapted by Robert E. Sherwood from the French and had profitable runs in London and the U. S. Dope is that 'Lorelei' was extensively rewritten during rehearsal and that the division was also considerably changed. Although Deval is credited as stage, he is reported to have received major assistance from Jacques Aldrich, Dennis King and Sir Cedric Hardwicke. Billing for the production is a complicated affair, with Aldrich and King listed as presenters, in association with Hardwicke, who is billed as associate producer.

Deval or possibly because of the multiplicity of effort that went into its preparation, 'Lorelei' is a confused and confusing play, with little force as anti-Nazi propaganda, and even less effectiveness as drama. After the witty sparkle of 'Tovarich,' the writing of 'Lorelei' is labored and stodgy, with a curiously inert and agonizingly slow pace. More than that, its ideas, which are fairly clear at the start, steadily evaporate into vague mysticism.

When the student 'Lorelei' tells of a brilliant science professor of the University of Leipzig who leaves Germany when he can no longer stomach Nazi ideology and tactics. As an exile over the French border, he composes tracts which aviators drop on the German populace with the hope of stirring them to rebellion. The student follows him to France, he falls in love with her again. But out of loyalty to a former sweetheart who has been taken as hostage for her, she finally returns to Germany to face certain punishment. Then the professor, who calls himself anti-Nazi, but pro-German, follows her back to his homeland. Seeing himself an exponent of the 'Fourth Reich,' he hopes his martyrdom will shame the Third Reich, which he says is also an exile—but from the rest of the world.

If the writing is incoherent, the staging is just as strained and halting. Under these circumstances, the players cannot be blamed entirely for their failure to bring the play to life. But even they seem to have been infected by the paralysis that grips the script and the direction.

As the professor, Philip Merivale appeared to have difficulty opening night in remembering his lines, possibly because of the constant rewriting that had been done. He improved somewhat after a faltering start and managed to bring some conviction to isolated scenes, but at no time does his performance have the realistic glow of life. And repeatedly he gives the impression of being puzzled by the part.

Doris Nolan as the former pupil who follows the professor into exile, fails to resolve a contradictory and inconclusive part. She is good-looking and wears manifestly exciting duds; she speaks the lines and goes through the required motions, but the character never assumes conviction. Understood Miss Nolan took the part after Jane Wyatt and Elsa Argyle tried it. None of the others is more than adequate, including Loia Roache as a stereotype wife, Dennis Hoey as a loyal friend of the professor, or Boyd Davis as a pompously sporting German officer. Only Arnold Korff and A. G. Anderson are adequate as key characters. Muriel Williams as an eyelet for Hollywood attention, while Coibna Wright, Jr., socially prominent café singer, has a microscopic bit.

(Closed Saturday (3), printed for record.)

Australian and New Zealand Theatres Ltd., Managing Directors Frank S. Tait, S. B. Crick, G. B. Dean, Fremantle.

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Bills Next Week

(Continued from page 43)

Betty Breen
Irving
Deady McKay
Josephine & B. Lee
Marjorie Smith
Victor Hugo Oro
Cadillac Tavern
Dean Edwards
Mini Stewart
Ada Reynolds
Neane Van
Sony Roy
H. Reynolds Oro
Jack Newton
Line (8)
Club Artisan
Jack Curtis
Dottie Sacco
Bill Bauserfeld
Dolly Parker
Ted & B. Walker
Ginger Lynn
Doe Hyde Oro
Club 15
Mae Masters
Any Orgs.
Johnny Young's Oro
Club Parkette
Rae Dell
Paul L. Egan
Louise Holt
Emma Stouch
Betty Eason
Anna Markins
Al Wilson
Bill Thornton Oro
El Chico
Tommy Monroe
Lilla Rose
Camille
Pauline
Sis
Mellita Moore
Doe Dougherty Oro
Embassy
Sylvie St. Clair
Loretta Denonion
Julith Gales
Lynda Marsh
Ann Kirwin
Pedro Blanche Oro
George Clifford
Evergreen Casino
Beth Chalmers
Joe Chalmers
1823 Club
Dickson S.
Florence Holman
Swing King Oro
Bubbles Shelby
Frankie Palumbo's
Don Murray
C. & C. Joy
Beth Calvert
Immy Lackore
Yvonne (6)
Bobby Moore Oro
Mario Evers
Bobby Lyons
Greta LaMarr
Midway
Pete Hayes
Leonard Cook
Charlie Reid
Joe
Osmo & Lolita
Duchess Le Vene
Rita
Richard Jack
Bob Le Oro
Hotel Adolphus
(Cafe Marguery)
Allen Fielding Oro
Sanny
Loyanne & Renard
Vespera
6 Continental
Margo Gils (3)
Donnellina Oro
Hotel Philadelphia
C. Wolf Gils (6)
Lillian Fox
Jackie Bookman
Adelaide Joy
Clark & Eaton
Tony Harris
Girard Reed
Rhea March
Joe Fransito
Lafayette Club
(Joe Room)
Son Shaw
Jiminy Kelly
Willie Lee
Sharon Harvey
Line (6)
Jonah Ed
Little Mathkeller
Jack Griffin Oro
Bob Carney

Gane & Robert
Mini Reed
Johnny & George
Jack Lynch's
Janet Donahue
Victor Alko Oro
Barbara Zeeman
Monroe
Tip, Top, Top
John Abbott
John Leach
Chas Smith
Joe Lewis
Jimmy Blake
J. Lynch Gils (10)
Open Door
Mary Joyce
Rose Hetherly
Marie Plunkett
Viola Klais Oro
John Spaden
Club 15
Chickie Martin
Marion Alken
Johnny Holmes Oro
Verne Day
Redeavor
Adorables (6)
Fats
Joe Rogers & Morris
Arnet & Rogers
Al Long
Italia Bradley
Jack Fennell Oro
Johnny Walsh
South & Lane
Danny Montgomery
K'maine & Manning
Jack Hutchinson
Irving Brashow Oro
Sis (Glenmont)
Mikey Familant Oro
Joe & P's Belandis
Vivian Newell
Tommy Osborn
John's Kathakalis
Watson Sis
Honnie Stewart
Jimmy Wilson
Dorothy Payton
Miriam Brown
Ray Jerome
Frank Pont
20th Century
Harold Bewick
Leon Prim
Leon Prim Oro
Club Cafe
Conrad
Rodney & Gould
Conrad & Roth
Joe Hara
Jerry Delmar Oro
Village Bar
Dolores O'Neill
Paul Rich
Margo & Sheridan
Marion
Nancy Lee
Joe Silver Oro
Webster's Hot Bar
(Casden)
Karl & Gretchen
Ilse Hart
Rudy Brader
Joe Hara
Villa Franco Oro
Joe Hara
Chiquita
Panner & Swift
Golden Co.
Eddie Sheppard
Marion Green
Jackie Moss
Joe Shellen'smer
J. & C.
Yacht Club
Kitty Helming Oro
Jimmy Bailey
Joe Carter
Badie Lang
Reggie Du Van
Irvin Martin
Patricia Robinson
Sharon Ramsey
Douglas Shaw Boat
Emory Evans
Charlie Gains Oro
Line (8)
Congo Club
Bob Freeman
Mary Reed
Jeff Thomas
Leonard Gay Oro
Comes Ship
Red Billings Oro
Jack Reed Oro
Gene Emerald
Ralph Lewis
Devines Eagles
Joe Garrity Oro
Stephen Swedell Oro
Herbie Kay Oro
Joe Roberts Oro
Wally Miller Oro
Gloria Gale
Joe Hara De Palma
Howard Geiger
Hotel Schroeder
(Empire Room)
Griff Williams Oro
Karl Ratzsch
Seppie Roth Oro
Elaine
Larsen's
Ray Meadows Oro
Linda Snyder
Victor
Variety
Carl Bergman Oro
Miami Club
Janet Reed
Doris
Nikki Nickall
Jay Wencil
Bobie Ruby
Peggy Geary
Johnnie Davis Oro
Bill Weisberg
Bobby Maynard
Helen Kay
Shirley Gray Oro
Marys Hartman
Old Melisberg
Herman Schubert
Billy Meagher

Lee Leighton Oro
Johnny Garg Oro
Clara Farmer
State Gardens
Mildred Seelye
Lady Day
Ann Helene
Dale & Dale
Eva Allen
Irene Schrank
Tie Top Top
Joey Feldstein Oro
Bert Nolan
Bobbie Cook
Charles & Dolores
Town and Country Club
Virginia Davis
Tiny Gorman
Betty Harger
Wirth's Futuristic
Steve Swedell Oro
Bill Schwartz Oro
Betty Nae
Jack Fexer
Valle Joy Oro
Ford & Barnes
Margaret Rossy
Regan & Mann
Wisconsin Roof
N. Harper Oro
Bob Allen
Marion Mann
Elaine Kay
Charles Fairclau
Lorraine De Wood
Glenn Dale
Pat May
Oasis
Emily & Velma
Bland Chansins
Jackie
Jerry Fulton
Hal Borne Oro
Plantation Club
H. Henderson Oro
Mae Gils
Bill & Chas
Leona Hill
House Line (8)
Powman
Paul Neighbor Oro
Bennett Auers
Brunt Brent
Bursalis
Bake
Joe Howard
Texas Rockets (6)
Joe Kavanagh Oro
Club Ten-Forty
Lane, Edwards & D
Paul & Paulette
Coyle McKillop Oro
To-Jo Farms
Frank Schirmer
Russ
Junia Bates
Brunt Armstrong
Wendy Perry
Eddie Minich Oro
Whetzel Hall
Joe (Glen Hill)
Art Mooney Oro
Merle Clark
Marion Parker
Wesley Whitehouse
Jean Shalior
Sherry Martin
Rose-Marie
Kama Grill
Gypsy Lee
Lee Ensign
Hotel Cleveland
Manny Landers Oro
Walt
Hotel Tenway Hall
Wally Potts
Lee Ensign
Hotel Sterling
Marty Lake Oro
Tom Lake
Hotel Hollenden
Sammy Watkins Oro
McNelly Sis
Royal Weirwinds
Romany 2
Hotel Statler
Dick Barrie Oro
Caperton & Col'm's
Carl Page Martin
Poland & Sky-Club
Landers
Bonnie LaVonne
Marion Bowen
Art Cullit
Pearl De Luca
Moscoe's Cafe
Clarence
Clarence Mont Vane
Jaques Pollock Oro
Mounds Club
Orville Rabin
Julius De Vorzon
Jack Webb
Nella Goodelle
Southern Tavern
Paul Burton
Don Kaye
Nick Bontemps
Ubangi Club
Troy-Singer Oro
Milzie Wain
Bessie Brown
Sony Carr

Music Guild to Ignore Menuhin; Met Opera Talks Resuming

Agencies' Discard

Ticket agencies took it on the chin Friday (2) when the draw at the Metropolitan Opera House for 'Tristan and Isolde' proved way off. Kirsten Flagstad and Lauritz Melchior were in the title roles but since indisposition had caused her to cancel several concerts in the midwest, opera fans had figured a substitution would be made, and consequently ticket sales were slow.

'Tristan' with Mme. Flagstad, who is claimed in many circles to be the outstanding Isolde of all time, is always figured for top money when she plays and so brokers had loaded up with tickets because of her originally scheduled appearance. Announcement of her appearance was made Friday morning. Boxoffice sales also fell off.

Negotiations with the concert bureau

Assn. will probably be resumed by the American Guild of Musical Artists within the next couple of weeks. Precise plans await next Sunday night's (11) meeting of the solo artists members at the Plaza hotel, N. Y., but preliminary preparations are already under way.

Likely that the concert bureau matter will be given the preference, since that is considered most vital to the Guild membership. Negotiations with Columbia Concerts Corp. and NBC Artists Service, who spread-eagle the concert management field, were broken off abruptly several weeks ago when AGMA petitioned for and was granted the right to intervene in the current FCC radio monopoly hearings.

Idea of the AGMA meeting Sunday is to acquaint the solo artists with the progress to date and determine future plans. Committee to deal with the concert bureau is already functioning, but a second body will be named to confab with the Met. Although the Guild has a contract with the Met, disposition of the troublesome 'Clause 12' issue was left until this fall, when the artist membership would be in New York and in position to make its wishes known.

Tenors En Route West
 Ernest Charles, AGMA rep in Los Angeles, returns this week to his position on the Coast, exchanging places with Theodore Carr, who has been in charge at that end during Charles' stay in New York. Latter, a concert tenor, is giving recitals in Pittsburgh and Wichita on his way west.

Gold plans to take no action in regard to Yehudi Menuhin's blast in last Sunday's (4) New York dailies. In a prepared statement, the young fiddler renewed his attack on AGMA, terming it a 'racket' that seeks to prey on artists and the entire concert business. Guild execs are taking the stand that Menuhin's action is merely a bid for publicity. They claim the 22-year-old violinist hasn't answered their recent statement in the controversy, that his attack is palpably libelous, but that a damage suit for libel might tend to make a martyr of him. Individual Guild members, pointing out that Menuhin's attack was made in the midst of the AGMA-concert bureau negotiations, imply that the fiddler's tactics have been mapped by his agency advisors.

However, there is a possibility that the American Federation of Musicians might step into the picture, since its president, Joseph N. Weber, had several long conferences with Leo Fischer, AGMA executive-secretary, on the Coast during the height of the Menuhin-Guild controversy. Just when was decided \$4,000 for a performance. Some added interest locally in this show as Janet Reed, the prima ballerina, is a local gal. Also a hometown boy is William Christensen, director of the ballet.

S.F. Ballet Big in Portland

Portland, Ore., Dec. 6.
 Sell-out biz for one day stand of the San Francisco Opera Ballet with the Portland Symphony Orchestra slated \$4,000 for one performance. Some added interest locally in this show as Janet Reed, the prima ballerina, is a local gal. Also a hometown boy is William Christensen, director of the ballet.

Musicians Get Cuts Back

St. Louis, Dec. 6.
 The 29 tooters of the St. Louis symph orchestra who took pay cuts of about 5% last Spring will have most of the reduction restored by virtue claim anonymous gift of \$2,000 made last week to the orchestra's maintenance fund. Gift will enable restoration of about 85% of the cuts. W. Geoffrey Kimball, chairman of the symph's exec. board, said the donation must not be construed as enabling the society to balance its budget, as it already has an accumulated deficit of more than \$36,000.

Kimball also said that the deficit must be greatly reduced before the management is relieved of the necessity of continuing drastic operating economies in the future.

MET OPERA'S GUIDE BOOK ON ITSELF

As a bid for membership and to raise funds, the Metropolitan Opera Guild, Inc., has just published 'Opera Cavalcade', with the subtitle, 'The Story of the Metropolitan'. It is a large, thin, bright red volume, containing 68 pages, with extensive illustrations in sepia. Sells for \$1.

Purporting to introduce the layman to opera and give a glowing picture of what the Metropolitan is, how it works, what its tradition is and who makes the wheels go round, the book has a text by Ruth Adams Knight. It is in the most unashamed fan-mag style painting the Met and its past in ultra-glamorous colors and picturing the company in the inevitable one-great-big-happy-family manner.

To the man-in-the-street at whom it's aimed, the book will be fairly impressive; to those in show business it is likely to be slightly funny; to members of the Met company it's Never Never Land picture may not be immediately recognizable.

Equity Protection

(Continued from page 47)

hearsals or performances are to report to the Pool, which is the Provisional Playhouse, MacDougal street, where there are training courses available. During the period they are at the Pool, players are subject to as many calls as needed, but within an eight-hour period.

There have been no further developments in the WPA situation in regards to reduction in complements, so far as the theatre project is concerned. As reported by project heads in New York, no indications have come from Washington that any dismissal slips will be handed out this winter.

But one legit show in the theatre district, 'The Big Blow' (Elliott) is current. Carded for this month is 'Pinocchio', due into the Ritz, a show designed for juvenile audiences. A Yiddish version of 'Awake and Sing' is slated for Duys's 63d Street and 'Androcles and the Lion', with a colored cast, opens at the Lafayette, Harlem.

Adelphi is still being used for rehearsals of 'Sing for Your Supper', which is establishing a record for rehearsal longevity. Revue is now dated to open in January.

Flanagan Denial

(Continued from page 47)

impression of the play was that the Beavers 'wanted' everybody to be nine years old, happy and unselfish.

'So Sorry'
 I'm sorry Brooks Atkinson and the police commissioner (N. Y. deputy police commissioner Burns McDonald) were disturbed, Mrs. Flanagan declared. 'But we did not write the play for drama critics or policemen. We wrote it for children.' She was preceded on the stand by Mrs. Allen S. Woodward, assistant WPA administrator, who battled yesterday (Monday) with the legislators over extent of communism in Federal white-collar projects.

Relinquishing her belief that the Dies Committee was 'unqualified, irresponsible and uninformed,' Mrs. Woodward finally was silenced when Dies called a Washington minister before the committee to give 'clergyman's eye view' of un-Americanism.

32 Steps on Eddy Tour

Pasadena, Dec. 6.
 Nelson Eddy opens his annual concert season here Feb. 2, and comes from San Antonio on a tour of 32 cities.

Los Angeles is left off the schedule for the first time in seven years.

Rodzinski on Leave

Cleveland, Dec. 6.
 Arthur Rodzinski is getting a leave of absence from podium of Cleveland Symph to conduct the NBC symphony orchestra during its December Saturday night broadcasts. During his absence concerts at Severance Hall are to be batonated by three guest-conductors.

Dimitri Mitropoulos of Minneapolis Symph will guest Dec. 15, followed by Albert Stoessel for Dec. 29 and 30. Rudolph Ringwall, associate conductor here, to take the stand Dec. 8 and 10 and again on Dec. 22 and 23. Joseph Szigeti, Hungarian violinist, due as soloist for

Guild Hits Hearst, Chicago
American Newspaper Guild in Chicago on Monday (5) called a strike against the two Hearst dailies, the morning Herald-Examiner and the evening American. Chicago unit called the strike a showdown against the Hearst dailies and insisted the Hearst sheets had violated Guild contracts and had terrorized their employees by wholesale firings. Hearst execs denied these charges and replied that they could not bargain collectively with the Guild until the National Labor Relations Board had designated whether the Committee of Industrial Organization or the American Federation of Labor should be recognized as the proper bargaining agent for the unorganized workers of the Hearst papers. The Guild is CIO.

Meanwhile, the Chicago Federation of Labor stated that all its associated trade unions in the AFL, which have contracts with the Hearst dailies here, would continue to work.

Avert Philly News Strike
Strike by Philadelphia newsboys, set to suspend publication of all papers there, was narrowly averted last week by a decision of the publishers to accede to the newsies' demands, which will enable them to get a healthier chunk of the profits resulting from the new 3c price of papers. Compromise pushed the newsboys increase back, however, to May 9, instead of the immediate till they wanted.

Under the terms of the agreement publishers will sell the papers to the boys at \$2 per 100, instead of the \$2.15 they are now paying. Fifty cents a night extra was also guaranteed boys who sell Record and Inquirer bulldog editions. Demand for a closed shop was left to future arbitration.

Victory is the second in recent months by the hawkers. First was an agreement by the publishers increasing profits of the boys from 65c per 100 papers to 85c. This boom-crashed, however, because the papers co-incidentally increased sale price from 2c to 3c per copy, causing a circulation loss of approximately 20%, which meant a cut in the newsies' former earnings. Publishers were reticent about even meeting for a discussion on another raise for the peddlers until the union's negotiating committee was voted power to call a strike.

Scribner's New Book Dept.
New book department is to be instituted by Scribner's Magazine in the January issue, via method claimed to be a departure in mag review of books. Instead of one or two reviewers going through the varied book output indiscriminately, periodical will have around a dozen reviewers recognized as authorities in their respective fields. They will go over the books in the fields in which they are noted.

Book reviewers for the mag and types of books in which they will specialize are: Douglas S. Freeman, biography; William L. Langer, foreign affairs; Carl Van Doren, fiction; S. S. Van Dine, mysteries; Thomas Craven, art; John T. Flynn, business and finance; Major R. Ernest Dupuy, military; Richard Watts, stage, screen and radio; Morris Ernst, law; and Joe Williams, sports.

Roll-a-Book Idea
New publishing idea is the Roll-a-Book. Instead of the usual pages, story is on a continuous roll of paper within a box-like affair, scanned through a window as the roll is spun by a knob. Principal asset claimed for the Roll-a-Book is novelty. Syracuse, N. Y., company controlling the patent, aims to put out a 50,000 first edition.

Company, called Roll-a-Book Publishers, has 20 titles sketched for 1939. Will exceed that number, however, if the idea clicks.

Claimed as new to modern times, the Roll-a-Book idea actually goes back to the ancients. Reading matter was put up on rolls of parchment even before the Christian era, and today the Torah in Jewish houses of worship is in the same form—unrolled as it's read.

Home for Refugees

New York Chapter of the League of American Writers will establish a home in New York for German refugee authors. Project was determined upon at a meeting attended by some 300 members of the organization, at which a resolution was adopted backing President Roosevelt's stand against Nazi outrages. Collections of around \$185 in cash and approximately \$500 more in

pledges have been made. Ways and means of raising additional funds for the project will be decided upon. One will be a pamphlet on anti-Semitism written by members of the League of American Writers, which will go to the fund. Other chapters of the League of American Writers are also expected to aid.

Memorial to Baker
Memorial booklet on Prof. George Pierce Baker, famed for his '47 Workshop' at Harvard, and subsequent similar activities at Yale, is to be published by Dramatists Play Service. Proceeds will go to a promising young playwrights as a memorial fellowship.

Booklet will contain tributes to Baker and his work from several of his former students who have achieved prominence in the theatre. Material, published and unpublished, will be by Eugene O'Neill, John Mason Brown, Sidney Howard, Alardyce Nicoll, Donald Oenslager and others. Volume will also contain photographs, maps and stage designs.

Will be a low-priced, limited edition, signed by the contributors, and will sell at \$5 a copy. Profits on the book will be turned over to Brown and two members of the Dramatists' Guild for the projected fellowship.

Dell's New Almanac
Once-popular almanac vogue is returning, with Dell, the mag publisher, house latest to undertake one of the annuals. Now being readied and to be known as the American Almanac. To sell for a dime.

Dell almanac is to be the lowest priced in the field, 5c less than the Old Farmer's Almanac. Farmer's, ready for its annual appearance, is 147 years old.

To make its appearance this week is the third annual Almanac for New Yorkers, compiled by the Federal Writers Project. This one is an exceptional seller, and credited with the returning vogue of the almanac.

Gentry Press Tag Revived

Gentry Press imprint being revived by Helen and Bruce Gentry, brother and sister, who, since moving their publishing operation from San Francisco to New York, four years ago, have issued their books under a 'Holiday House' label. Firm had its beginning in Frisco as the Helen Gentry Press. First part of the name dropped when Bruce Gentry joined the company. In turn gave way to Holiday House on the trek East.

Major part of the Gentrys' book output will continue to carry the Holiday House name, but a volume now and then will bear the imprint of the Gentry Press.

Wrong Guy's Number

Friday (2) afternoon dailies carried Adolf Hitler's telephone number on page one, the info having been cabled from London where it is revealed in the new British Who's Who. Number was verified to be correct and several person-to-person calls were placed, a voice at the other end saying that the dictator refused to talk.

N. Y. Post prominently displayed the number in a two-column box, page one, and after giving the rates at various hours, concluded with 'profitability is prohibited.' Reported the number was changed later in the day, indicating a number of persons with something to say to the Nazi leader had attempted to reach him.

Scribes Do Another P.A.

Second in the current season series of Book and Author Luncheons to be held Tuesday (13) at the Hotel Astor, N. Y., with Lewis Gannett, N. Y. Herald Tribune book critic, as chairman. Speakers to include Louis Bromfield, back in New York after settling his family in Oberlin, Ohio; Ogden Nash, on from the Coast for a brief period; Carl Van Doren, and Ruth McKenney.

Purpose of the Book and Author Luncheons is to have the public meet the boys and girls who write the books.

Claus to Wilmington Papers

Henry T. Claus, editor-in-chief of the Boston Evening Transcript, will succeed Theodore G. Joslin as president and publisher of the News and Journal in Wilmington, Del., effective Jan. 1. Joslin is resigning to become public relations director for du Pont, succeeding Charles K. Weston.

Claus, on the Transcript for 33 years, has been editor-in-chief since 1925 and is the last of the 'old guard' on the paper, which has undergone numerous personnel and policy changes during the course of a recent financial reorganization.

Oh, Yeah!

The book everyone has been waiting for is being published at last!

It's 'How to Win at Stud Poker,' put out by the Stud Poker Publishing Co., no less. In 101 pages, the author, James M. Wickstead, gives the complete lowdown claimed by the title. And with diagrams!

NEW PERIODICALS

Hollywood Love Romances, fiction mag to contain stories with film background only, has been added to the Fiction House chain. First periodical to specialize in tales of this type, and like majority of Fiction House mags, it'll be quarterly. Will go monthly if it catches on. Malcolm Reiss editing.

My Stars, monthly on astrology, product of the newly-formed National Magazines Corp., will come around Dec. 15. Head of National Magazines Corp. is J. W. D. Grant, who also has Practical Magazines, publisher of Practical Psychology. My Stars will be edited by Eloise Anna White.

Tennis publication to be issued by a group consisting of Salvador Nelson, Sol Seeman and Morris Rosenfeld, who have formed Sportlife Publications for the purpose. To get set shortly, as soon as details can be worked out.

Listener's Digest and a running mate to Radio Guide will hit the stands around first of the year. Fred Fidler and Fred Foy, New York admen, are launching Digest, and other mags will be put out by the Annenberg crowd. Both will carry scripts of shows, special events, educational features, etc. George Eggleston, former editor of College Humor and Life, will head editorial board of Digest.

Newspaper Syndicate, Inc., printing-publishing Manhattan. Directors: Otis F. Wood, Sandro Mayer and Anne Vacco. All of New York. **Sportlife Publications, Inc.**, printing-publishing, Manhattan. Directors: Leon L. Epstein (filing attorney), Morris Rosenfeld and Joseph Schwartz, all of New York.

Finnish Paper Mills Agency, Inc. Directors: Warren P. McGoldrick, Alfred H. Wasserstrom and Maria Mullin, of New York. Capital stock, 100 shares, no par value.

Protestant Digest, monthly, to report in abbreviated form the best pieces on various aspects of Protestantism. Published in Boston by a group headed by Kenneth Leslie, latter also editing. There's a Catholic Digest, which has been published for some time.

Chuckles, pocket-sized mag giveaway, with fancy print job, will go to more than 25,000 residents in Metropolitan New York, each with an annual earning in excess of \$5,000. Name of each recipient will appear on the cover as part of the cover design. Editorially will consist of selected wit and humor designed for a place on the family table, and advertising, none of which will be competitive, will provide means of direct reply. Publisher is the Eron Co. Pres. Eron is Westy Eron, formerly ed of the Cosmopolitan Book Corp. and chief ed of the United States Publishing Co., who will also edit Chuckles. Vice-pres and biz manager is Carl W. Rundlett; ad director, Harry H. Watson, and sec-treas, John Vasconcellos. Date for first appearance of Chuckles not set as yet.

Associated Long Island Newspapers Rooming Bureau, Inc., printing-publishing, Queens County, N. Y. Directors: Theodore Newhouse, Stanley Ehrlich, Edmund H. Heyler, of Jamaica, N. Y.; William Hyman and Bernard Segall, filing attorneys, also of Jamaica, are among the subscribers. Capital stock, \$1,000, \$10 par value.

New Book Pub Firm

New book-publishing firm has been formed by Loker Raley, with Ralph Beebe as associate. Company, which will bear Raley's name, will issue non-fiction only, including gift books and verse.

First book to carry the Loker Raley imprint will be 'Herbs for Urbans—and Stourbans,' by Katherine W. van der Veer. To appear late this month.

Mag-Book Expands Scope

New Writing, semi-annual 'magazine in book form' published by Alfred A. Knopf, opening its scope to include a number of additional features. Fall 1938 edition, out this week, contains poems, stories and

articles by younger scribblers from many countries, as before, together with illustrations and pieces on special subjects commissioned by John Lehmann, the editor.

New edition, includes the work of 29 authors, representing eight different countries. Has an article on French films by Robert Herring.

American Spectator Returns

American Spectator, which folded some months ago, is due to be revived early next year. Former publisher, C. H. Fingerhood, will get the publication going again as soon as he can decide on a definite policy. No editorial selections as yet, and won't be until Fingerhood determines just what slant the revived mag is to take.

Charles Angoff, who edited the periodical up to the time it folded, won't be back. Angoff now associated with J. H. Smyth in a new mag, The Lowdown.

Prize for Classic

Three years after the Limited Editions Club awarded a gold medal to an American book likely to become a classic, organization is to bestow a similar prize under the same conditions. Clifton Fadiman, Donald Adams and Robert Cantwell comprise a committee to make the book selection, with award to be made at a breakfast at the Waldorf, New York, Dec. 16.

Gold medal in 1935 went to 'An Almanac for Moderns,' by Donald Culross Peattie.

Yorston's Expanding List

John C. Yorston Publishing Co., which has for years confined itself to publication of the classics and textbooks, is going in for general publishing, including fiction. John C. Yorston now off on a manuscript hunt, and on his return in a week or two will line up a list of new books on various subjects.

Specialty of the Yorston concern has hitherto been Dickens and Shakespeare. Firm also got out a mag some years ago, which is now discontinued.

Miley to N. Y. Post

Jack Miley is now sports columnist for the New York Post, succeeding Hugh Bradley, who withdrew because of illness. Miley was formerly on similar assignment with the N. Y. Daily News and was with King Features for a time too. In recent months Miley has contributed special sports articles to Scribner's and Collier's.

One in particular, on Marshall Goldberg, the Pittsburgh footballer, aroused the latter's father to threaten suit.

New Non-Fiction Publisher

Book publishing company has been formed on the Coast by K. W. Houck under the name of the Circle Publications Co. Will get out a limited number of books, probably all non-fiction. First is a volume of verse by Kathryn Kay, 'With Tongue in Cheek.'

Because of the recently lowered postal rates for books, new firm will sell direct from the Coast instead of utilizing an Eastern sales representative.

Hungarian Show Mag Nixed

Szinhazi Elet, Hungary's oldest and leading stage and film weekly, has been refused permit of publication under government's new Press Laws.

So far, 90 periodicals, mostly in Jewish hands, have been scrapped. Szinhazi Elet had the largest circulation and was also well known outside Hungary. Sándor Ince, editor-proprietor, is now on his way to Hollywood, where he has many friends.

Detroit Aband Post Said

Goodwill and personal property of Detroit Daily Abend Post, Michigan's oldest German-language newspaper, was purchased for \$6,300 last week by Oscar F. Keydel, paper-products manufacturer, on behalf of group interested in continuing operation of sheet.

Paper has been published continuously since 1851, despite litigation and a \$25,000 fire recently.

Reynolds Buys Athens Times

Charles I. Reynolds, Jr., editor and general manager of Washington, Ga., News-Record, has purchased the Athens, Ga., Times weekly sheet, from A. Belmont Dennis, who also publishes Covington, Ga., News.

Mrs. Reynolds will be associated with her husband in publication of Times.

LITERATI ORBITS THIS WEEK

James E. McMullen, 85, Michigan's oldest working newspaperman and editor and publisher of the Linden (Mich.) Leader, died Nov. 28 after short illness. Despite his age, he continued personally to get out his weekly sheet until two weeks ago when pneumonia developed.

Robert Eugene Lorton, 24, associate publisher of Tulsa (Okla.) World, died Nov. 30 after being stricken in his office with cerebral hemorrhage day before. Failed to rally despite use of iron lung. Doctors attributed fatal attack to injuries Lorton received in a diving accident about four years ago. Burial was in Tulsa, Friday (2). Wife and infant son, survive.

Paul Y. Anderson, 45, Washington correspondent for the St. Louis Star-Times and The Nation, died in the capital yesterday (Tuesday). He apparently had taken an overdose of sleeping tablets and died in a hospital an hour after being admitted. Anderson was awarded the Pulitzer Prize for news reporting with dispatches leading to the reopening of the Senate Teapot Dome oil investigation in 1928. Before connecting with the Star-Times, he served the St. Louis Post-Dispatch in the same capacity for 15 years.

CHATTER

Kathleen Morrow Elliott off for Java. **Irving Stone** has returned to the Coast.

Gertrude Atherton feted by Pen and Brush club.

Flint Nielson actionizing his unproduced play about Lafayette.

Horatio Winslow sold his 'Red Beard the Pirate' to Stavepost.

Mark Halley going to Norway as soon as he finishes his new novel.

Jo Pagano, film writer, cracked Atlantic Monthly with 'Daisy Dell.'

Freda Kirchwey, publisher of The Nation, to Peru with her husband, Evans Clark.

Murray Vail to Maine for the hunting, and to pick up some atmosphere for a new novel.

House of Field bringing out a novel, 'Publicity Girl,' by Paula Gould, the film publicist.

Mark Hellinger will have a volume of his short stories published by Farrar & Rinehart next summer.

Clarke Robinson's 'Behold This Woman' (Godwin publication) deals with 'safe society' until this month.

Charles Kaufman's novel, 'Fiesta in Manhattan,' to hit the bookstands Feb. 10. William Morrow publishing.

Hamish Hamilton, the London publisher and European rep of Harper's, here for his annual American tour.

F. van Wyck Mason in from Nantucket, and at the end of the month journeys to Bermuda for the balance of the winter.

George B. Van Cleve and **Verne Porter**, formerly with Hearst publications, opened an office in Beverly Hills to handle picture material.

Rupert Hughes 'corrected' gallery proofs of his monumental new novel, 'Stately Timber,' which Jacques Chambrun has placed with Scribner's.

William L. Lewis, drama editor of Pittsburgh Sun-Telegraph and dean of the critics' clan in that city, on a motor tour through the south until Christmas.

Dorothy Gulman inaugurates a new Broadway column in the February Picture Play, in which she will chronicle activities of flimflits visiting Manhattan.

Anne Parrish, who dedicated her new novel, 'Mr. Despondency's Daughter,' to Josiah Tittzel, has become his 'oride.' Tittzel, a scribbler, too, under the name of Frederick Lambeck.

Carl Carmer, William Rose Benet, Herman Hagerdon, William Maxwell and Henry Seidel Canby among the scribblers who participated in the 'Night of Arts' in aid of the MacDowell Colony.

Ed Bodin, scribbler and authors' agent, conducting the 'Black Arts' department in the new mag, Strange Stories, under the pseudonym of Lucifer. Other Bodin pen names are: Rodellin, Sylvion, Chakra and Kab-badlin.

William Morrell, publications editor for the University of Pittsburgh, again in Florida for the winter, and while there will resume his gossip column on the Miami Herald, which he writes for three months every year under the name of Hugh Hough.

Margaret Mitchell too busy with her Christmas shopping to go east to accept medal awarded her by N. Y. Southern Society, so she delegated H. S. Latham, vice prez of Macmillan Co. to accept bauble in her behalf at Waldorf-Astoria meeting of society Dec. 7.

Broadway

Tay Garnett, director, in from the Coast. Films in barrooms growing; chiefly light pictures.

Jack Benny radio ducats harder to get than gags.

Kyle Crichton out after five weeks abed with rheumatic flu.

Bill Thomas, of Young & Rubicam, is in Hollywood on a visit.

Lawrence Menkin, writer-director, now on William Morris list.

Erkine Gwynne hospitalized with a stroke in Paris.

Herbert Berg, feature editor of the Daily News, in the hospital.

The Townsends, dancing team, are back from South American bookings.

Quentin Reynolds will be gone a month scouting the European front for Collier's.

Gertrude Hoffman's dancing girls booked for London's 'Crazy Show' next summer.

Evo Bacon has resigned as treasurer of Proctor's 56th St. to produce and manage.

Joe Schoenfeld (Varnet) much improved after an operation, convalescing in Miami.

With the fold of Stein MCA, Clarence Derwent returns to Hollywood and an RKO contract.

Gay Parks, legit player, leaving in a few days to spend the holidays at her Nashville home.

Fred Waring's orchestra did 'The Lord's Prayer' at the Lambs Gambol and was the talk of the show.

Ever since J. V. Stein MCA prez, got into town he's been laid up with a cold at his hotel apartment.

The Sol Lessers' boy, Julian (Bud), and his bride, Genie Mae Kobach, on a Bermuda honeymoon.

Bob Durham, Benton & Bowles testimonial stalker, leaves this week to get some names in Hollywood.

Arthur Dreifuss planned back to the Coast this week to start shorts production with Fanchon & Marco.

The Arthur (WB) Eddys back to Hollywood after visiting relatives in Rhode Island and seeing the shows here.

Oscar Binder, in charge of exchange operations for Universal, back from a tour of exchanges in the south.

Joe Cooper has given up his town apartment for life in the country, but comes in frequently to contact the Par h.o.

W. A. Seully, F.J.A. McCarthy and W. J. Heinemann of Universal back at the home office after extended selling tours.

William Seiter, director for 20th-Fox, returned to the Coast this week after he had spent several weeks looking over shows.

Irving Berlin headed for the Coast Monday (5) for a conference with Harry Zanuck regarding his new picture for 20th-Fox.

Savoy ballroom celebrates its 13th anniversary in January. As concession to Harlem superstitions, dancery is advertising 'No Day in January'.

Countess Keller (nee Eleanor Sawyer), singer, arrives from Europe tomorrow (Thursday). Recently sold a set of travel films to United Artists.

Hume Cronyn and Peter Lorre have finished their musical comedy, 'Lamp This', based on the story of 'Aladdin and His Wonderful Lamp'.

Arlen Whelan, co-producer yesterday (Tuesday) of the story for 20th-Fox, 'She's in Thanks for Everything', opening Friday at the Roxy.

Faith Bacon's Broadway return tomorrow (Thursday) Midnight Sun, niery, will be in dances that fully comply with recent police ban on nudity.

Ben Serkewich, seeing six friends off, was pulled aboard the Washington-bound train. He finally managed to duck off the express at Philadelphia.

My grandfather has been dead long enough to make it unnecessary, is Oscar Hammerstein's explanation for dropping his II billing after his surname.

New Paradise show preems Xmas day. Marjorie Fielding putting it on. Nicky Blair wants Abe Lyman's band but unlikely to see him because of prior commitments.

Mrs. Mervyn (Doris) Warner) LeRoy and Sally Eilers (Mrs. Harry Joe Brown) seeing the shows, etc., for a couple of weeks. Returning to Hollywood for Christmas.

Arthur Lyons and his bride, the former Ina Rae Burnett, professionally Ina Rhodes, WB contract player, due east for the holidays and a bit hated honeymoon. Married in Yuma last week.

Bob Goldstein, who has the London comedy hit of last summer, 'Plan for a Honeymoon', is in New York; he's waiting for a couple of more shows to fold so he can start casting. Greenwich Village Casino and El Chico have tied up so that these Village niteries of diamonds stay closed Sunday and Monday. Each shills for the other on these nights.

Mary Martin being dickered to double from 'Leave It to Me' into the Raincoat Room. Comedy show flew to her Texas home over the week-end, where her father was dying.

Mare Lachmann heading back to the Coast, blazing a 20th-Fox exploitation trail en route. Their first baby is due around the holidays. She's the former Melva Cornell of the stage.

Eddy Duchin is on that long-dis-

tance phone regularly to Palm Springs where his baby son is recuperating and doing nicely. A precautionary oxygen tent became necessary at one stage.

Richard is the newest of the Stark brothers on Broadway. He's with Marc Conner's 'Misery' where he's playing Wilbur.

Roarke Wilbur sells time for WMCA. Sheldon writes for radio and Elliot is a press agent.

Ronnie Simon was host and Dorothy Hill guest at his time away from the cocktail party Saturday (3) attended by Bert Lytell, Helen and Grace Menken, Bobbie Harris, Virginia Smith, Neal Andrews and Mary Seaton.

Harry Richman's Road to Mandalay, new niter in Delmonico hotel, opening Dec. 15, represents \$193,000 investment to date.

Joe Moffat, Joe Tines and Hays and Naldi round out show. Preview tomorrow (Thursday).

Art DeBra, assistant to Will Hays, is spending much of his time away from the Motion Picture Producers & Distributors headquarters, assisting in the 'Cavalcade of America' feature, which the film business will present at N.Y. Fair.

Benjamin C. George S. Kaufman and a party wouldn't dine at 21 unless their portable radio was okayed past the door last week.

Director of the 'Information Please' program. Finally given the private bar, in order not to disturb others.

Sydney

By Eric Gorrick

Hoys erecting two more nabe houses in Victoria.

Ken W. Asprey has returned from a bit trip to U.S.

'Alexander's Ragtime Band' (20th) still tops in Sydney.

Reputed that Douglas Fairbanks, Sr., may come here next year.

Scott Alexander, a little theatre producer, died recently here at 64.

Comedian, regarding the poor sound in many U.S. pictures. Probe will be undertaken shortly.

'The Women' okay on biz in Melbourne for Australian-New Zealand theatres. Show moves to Sydney next.

Metro bringing in 'The Citadel' for a major run in all age spots. Currently have a click with 'Marie Antoinette'.

Vic Webb is handling affairs of British Empire Films during the absence of Gordon Ellis, in England again.

Luna Park Amusements, Melbourne, earned a profit of \$18,304 on year's trading, a drop of \$1,668 on previous year.

Harry Hays' 'Hollywood Hotel' out of Sydney after six weeks. Fullers have arranged a Melbourne opening for Yuletide.

'Knock White' (RKO) continues to pull top biz in Melbourne and is tipped for a record run. Pic opens in New Zealand this month.

Mrs. Dan Michalove and family have left Melbourne for Melbourne Friday (9) after a probe into Hoys for National Theatres.

Bernice Claire gave a short session over the air following her arrival from U.S. to play in 'I Married an Angel' for Australian-New Zealand Theatres.

Billy Tinker, director of publicity for Cinescope, besides doing a weekly air session, also supplies news coverage to 400 newspapers throughout the Commonwealth, plus chatter for commercial air units.

Conrad Hays, who has done exhibits and Australian Performing Rights Assn, regarding lesser fees for recorded music. APRA, it's stated, wanted to increase the fee for a period, but the exhibs asked for reduction.

Pittsburgh

By Hal Cohen

Ben Jaffe recuperating in hospital after breakdown.

Harry Harris spotted at new Senator in managerial capacity.

Clara M. Hays is to get his family moved to New York.

Ira Cohns sat Dec. 17 on a 25-day cruise in South American waters.

Bernie Armstrong out of hospital after having infected foot repaired.

Helen Hayes' return to Nixon in 'Victoria Regina' set back to Jan. 23.

George Jaffe has put on 20 pounds since he quit smoking couple of months ago.

Charlie Kurtzman called to Boston over weekend by serious illness of his brother.

Joe Bernard and Harry Goldberg in for a last week to address 68 WB managers.

Father-in-law of Havesy Boyle, Post-Gazette sports editor, passed away last week.

'Playhouse' the next will be 'Personal Appearance' with Irene Cowan in Gladys George role.

Al Gavelin's missus he's the maestro from 'Leave It to Me' into the Raincoat Room.

Andrew Obey's 'Noah' opens week's engagement at Carnegie Tech drama school tomorrow (Thursday).

Jackie Heller coming home in couple of weeks to rest up before his New Year Eve opening at William Penn.

London

Harry Ham leaving for Hollywood shortly.

Bebe Daniels and Ben Lyon have adopted a baby boy.

The Donald Burns to spend holiday in Hollywood as guests of Edgar Bergen.

Tom Mix booked at Cirque D'Hiver, Paris, for April, with options.

Leila Stewart in Madiera for Christmas to recuperate from serious illness.

McKay and Lavalle replace Manley and Austin in the Palladium 'Crazy' show.

Associated British (Maxwell) is cutting all advertising films from its programs.

Vera Haal, in new Dorchester hotel show, flew to Holland to see Dutch relatives.

George Marton, formerly European play-broker, now film making under Rabinowitch.

Ethel Shutta and her quartet at the Cafe de Paris Dec. 12 for four weeks with options.

Senator Murphy, in the Prince of Wales revue for five weeks with option of another five.

Sir Seymour Hicks to be this year's Captain Hook in the 'Peter Pan' revival at the Palladium.

Lee Ephraim to New York to see opening of Broadway's 'Spring Meeting', in which he has an interest.

Davy Burnaby's schoolgirl daughter showing talent for drawing. A sketch of her dad has been put on exhibition.

'Jorjeks', 20th-Fox picture starring Sydney Howard, scheduled to start this month, has been postponed to next month.

Bill Tilden, with Denny Maskell, to play London Coliseum vaudeville date, and may go on Hyams and Bernstein circuits.

Paul Robeson indicated with offers to play de luxe picture houses as result of having played a couple of weeks for free.

Associated Theatres Properties, which has leased the Shaftesbury theatre from Joseph Brown, will not renew. Lease expires in March.

Adrian Becham, son of Sir Thomas Becham, has written the score for 'Joyzele', a new musical to be presented early next month by A. C. Neave.

Henry Sherek is framing West End revue in which he intends to feature John Hoysradt, Calgary Bros. and Naughton Wayne. Show would open in February.

Once more the report is about that A. E. Abrahams, who controls the Garrick, contemplates general overhauling of the house and converting it into a modern cinema.

Actual library buy for 'Under Your Hat', Jack Hulbert-Cleely Courtneidge musical at the Palace, is \$130,000 spread over a period of 15 weeks, biggest buy in history.

Russell and Marconi signed with Tom Arnold's ice show for year's work in Australia, Africa and New Zealand, and return here in 1940 for a Parnell & Zeitlin vaudeville unit.

Peter Blackmore, author of 'Lot's Wife' (just past its 200th performance) replaces Torin Thatcher in the show, when latter leaves for film work. Another play is due from the same pen.

Gaby Morlay, French legit star, taking whole company to Canada, to present four plays in French, including 'Victoria', in which she starred in Paris for over a year. Company sails Dec. 17, opening in Montreal Dec. 18.

Gordon Ellis, managing director of Associated Distributors and British Empire Films in Australia, is here on business. Eric Wieder, erstwhile treasurer of Greater Union theatres of Australia is also looking things over in this vicinity.

Touring 'Idiot's Delight', which stars Vic Oliver, closed so Oliver could resume his vaudeville and cabaret dates. Show resumes Feb. 14 for 15 weeks in London and environs, during which Oliver will double from the Dorchester cabaret.

St. Louis

By Sam X. Hurst

Harold 'Chick' Evans started his ninth year as manager at Loew's.

Paul Beisman, manager of American theatre, planned to New York on biz.

The Ballet Russe will appear for three days with St. Louis Symphony starting Jan. 6.

Civic Music League will bring in Cincinnati Symphony for one concert in Municipal auditorium, Tuesday (13).

Jussi Boerling, Swedish tenor of Metropolitan Opera Co., inked for concert in opera house of Mundy Ad Jan. 10.

State Senator Lou Menges, who's also a film theatre chain owner, convalescing in hospital from abdominal operation.

Mary Mickenhauser, known as Mary Wickes, a member of Orson Welles' Mercury Theatre, visiting parents here.

St. Louis Labor Stage will give two performances of 'Wild Birds' in

Wednesday Club auditorium Saturday (10) and Sunday (11).

Ernie Venuto has taken over management of the orchestra and entertainment division of the local Premier Radio Entertainers, Inc.

'A Jewish Wedding', first musical show of current season and first important Jewish play presented here in four years, drew swell attendance.

Walter Dix, advertising manager of Garrick theatre, is godfather of Mr. and Mrs. Francis Pickens' newly-born daughter. Pickens is the son of W. M. 'Bill' Pickens, owner of the Garrick.

Paris

By Hugo Speck

Mrs. P. G. Wodehouse in. Dave Hacker and June Sidell in town.

Revue to go into ABC soon in rehearsals.

'60 Glorious Years' (RKO) opened at Le Paris.

Jean Rigaud appearing at Boite a Sardines night club.

'Alerte en Mediterranee', doing big h.o. at Gaumont-Palace.

Tenor Miguel Villabella's house robbed while he toured.

Grace Moore to give recital here when she finishes 'Louise'.

Emile Fabre, director of Odeon, retiring as dramatic author.

Four French films, banned in Switzerland on moral counts.

Mirielle Balin signing to make 'Le Duel' with Eric von Stroheim.

Josette Dayve, cousin of Charles Trenet, elected Miss Youth 1938.

Julien Duvalier, in from south, beginning interiors of his 'La Fin du Jour'.

Gertrude Stein has written modern 'Faust'. Lord Berners to compose music.

'Les Parents Terribles', by Jean Cocteau, opened at des Ambassadeurs.

Fernand Gravet uncertain whether to make film here before he returns to Hollywood.

Ludwig Berger winding up 'Three Waltes' starring Pierre Fresnay and Yvonne Printemps.

'Ondines', new play by Jean Giraudoux, will be next for Louis Jouvet at the Theatre de la Madeleine.

'La Route Enchantee' ('Enchanted Route'), Charles Trenet's first film, opening at Agriculteurs.

Adaptation of 'Le Corsaire' play by Marcel Achard is being written by Charles Boyer will make here next year.

'Trois Joseph', comedy by Jean de Létraz, opened at the de Paris, starring Zizi Jeanmaire and Marcel Vallee.

Gary Cooper, wife and in-laws to Berlin, then Rome. Came back Dec. 1 for Dec. 3 sailing on Normandie.

Pierre Brasseur winding up scenario of 'Polles-Bout-de-Bel' which is being produced in Pagnoli's Marseilles studios.

Alfred Rode beginning interiors of his 'Le Danseur de la Mort' which he's making from E. E. Reinert and G. Coulier scenario.

Paul Abram appointed director of new 2,800-seat Palais des Chaillois, which was built for expo but is first opening next season.

Abel Hermant, of Academy, to aid Andre Maurois in writing script of 'Estes Cordis' which underlines Anglo-French relations.

Pauline Carton appearing in 'Un Monde Fou' at the Madeleine, and revue, 'God Save Paris', at Bouffes-Parisiens, simultaneous.

Old cinema Edouard VII to reopen for legit with 'Golden Boy', adapted by Ivan Noe, which will be called 'Un Garcon Vert'.

Corinne Luchaire will play opposite Jean Pierre Aumont in 'Le Deserrier', which Leonide Moguy is making from Marie Arland script.

Minister of Interior Sarraut forbade newswriters from filming embarkation of over 600 prisoners from Saint-Martin-de-Re for Devils Island.

M. Milakowsky, producer of 'Ultimatum', to make film based on Spanish war, tied up with recent European events. Will be called 'Non-intervention'.

Chicago

Lynn Chalmers to St. Paul for the Military Ball.

Gene and Glenn on their own, having ducked WLS.

Dwight Fiske due back in the Colony Club in January.

Allen DeWitt now with the Tiny Hill orchestra as vocalist.

Walter Zivi working on a new play to be ready for the spring.

Rafael, the concertina player, in from the Coast for date at the Yar cafe.

Mary Van Cello Taylor, vaude instrumentalist, settling in Hillsboro, Ohio.

It's said State-Lake's remodeling will cost Balaban & Katz around \$125,000.

M. M. Cohan the center of local testimonial dinners during his stay here.

Henry Busse in town for some confabs between road dates with his orchestra.

Quota of 20,000 food baskets set for annual Christmas picture industry basket party this year.

Ada Leonard back to stripping in the Riakto after a six-month hospital siege following appendicitis wrangle.

Hollywood

Lou Irwin had a birthday. John King down with flu. Bernard Vorhaus to Yosemite. Lynn Farnol in from Manhattan. Howard Strickling out of hospital. Harry Ritz laid up with neuritis. Robert Ripley en route to China. Bob Gilham has a sprained ankle. Adolphe Menjou laid up with flu. Dorothy Lovett in from Manhattan.

Walt Disney's father out of hospital. Albert J. Cohen back to work after illness.

June Travis visiting home folks in Chicago. Fred Meyers touring Californi theatres.

Jane Withers opened personal tour in Frisco. Allan Knep changed his name to Roger Kent.

Sam Marx back from literary scouting trip. Harry Carey battling flu on his Saugus ranch.

Joe Brandt recovering from kidney operation. John W. Considine, Jr., vacationing in Seattle.

Osa Massen and Allen Hersholt to wed Dec. 14. James Stewart moved into his new Brentwood home.

Pat O'Brien hosted Elmer Layden, Notze Dame coach. Reginald Gardiner back to work after an fracture.

Hal Roach hunting locations on Santa Cruz Island. Oswald Anderson in from London, en route to Australia.

Drew Pearson in from Washington to gander studios. Harry Lord is stage manager for Earl Carroll's new spot.

Charles Skouras in from northern California. Myron Selznick moved into new offices in Beverly Hills.

Norman Rellly Raine hosting Kenneth Littau & Collier's. John P. Goring here from Pittsburgh to pass the winter.

Russell Birdwell lectured Advertising club of Long Beach. Henry Hoffman and Otto Brower had a double birthday party (2).

Martin Gabel, here from Broadway, huddling with Clark Andrews. Nella Roesti here from Holland, pausing on 18 months world concert tour.

George Greb and Ed Johnson in from Chicago for personality portraits. Bob Burns became Mayor of Canoga Park, 35 miles away from Hollywood.

Warners studio drive for Communist Coast reached 78% of its \$55,000 goal.

Chamber of Commerce historians are hunting the site of the first motion picture location in these parts. Some will be immortalized by a bronze marker.

Minneapolis

By Les Rees

M-G girls' bowling team leading Park Board league.

Gambling lid clamped on following blast by municipal court judge.

Rachmannoff here to play with Minneapolis Symphony Thursday (9).

Ray Wylie's 'Crazy Auction' party for Twin City Variety club big success.

Wife of Joe Behan, Warner Bros' booker, recovering from appendectomy.

Wife of Reno Wilk, independent film distributor, recovering from operation.

20th-Fox salesmen to have two weeks' vacation with pay, starting Dec. 17.

Norina Nelson, Universal cashier, discharged from hospital after long illness here.

Moe Levy, 20th-Fox district manager, off Los Angeles to attend sales' meeting.

Harry Nelson, independent exhibitor, seriously ill at Mayo clinic, Rochester, Minn.

Paragon circuit theatres advertising free parcel-checking service pre-Christmas lure.

'Red' Nichols' band into Hotel Nicolett Minneapolis, trace Jan. 1, following Joe Reichman's death.

E. T. Westgard, of Warner Bros., celebrating birth of his second child since he joined company.

W. A. Steffen attended H.M. Richey and Jack Kirsch testimonial dinners in Detroit and Chicago, respectively.

Tom Mower, Twin City Variety club counsel and civil service commissioner, passed away after long illness.

Colleen Moore in Twin Cities while her doll house is being exhibited at department store for charity.

Harry Hirsch and Harry Katz of the Gavety (stock burlesque), following termination of first half of season, departed for Mexico to hunt wild game.

Wife of Fred Holzapfel, independent nabe exhibitor, recuperating from operation in hospital room next to the wife of Joe Behan, Warner booker's frau, recovering from appendectomy.

OBITUARIES

EDNA AUG

Edna Aug. 60, once a highly successful vaudeville star, died in her home in Willow, N. Y., Nov. 30. She retired about 15 years ago.

Born in Cincinnati, Miss Aug made her first stage appearance with the road company of 'Rush City' and later came to New York to play in 'A Dangerous Maid'. She changed over to vaudeville, doing a straight soubrette act, featuring an imitation of Anna Held. She played with fair success but did not score strongly until 1898, when she went to London to play the halls. There her vivacity won her immediate acclaim and she achieved the distinction of appearing at 'command' performances before King Edward VII.

Returning to this country she developed an act in which she appeared as a dialectic scrub woman, and actually scrubbed the stage on her hands and knees while delivering her patter. The act caught on strongly, and thereafter she was in demand on both sides of the Atlantic. She developed the act into a line turn, but the addition of the other scrubwomen merely served as a distraction and she went back to the single.

She went into retirement in Willow, an artists' colony near Kingston, N. Y., where she lived alone with her three dogs. Booth Tarkington wrote a play to tempt her from retirement, but she refused to consider it.

CHESTER M. WALLACE

Chester M. Wallace, 54, actor, producer and director, for the last 20 years on the faculty of the Carnegie Tech drama school, died in the Allegheny General hospital in Pittsburgh last week of peritonitis following an emergency operation for acute appendicitis. A graduate of Western Reserve University and American Academy of Dramatic Art, Wallace toured country from 1908 to 1912 in Shakespearean repertory and in 1914 organized his own company, the Chester Wallace Players, which played practically every hamlet in the country up to the time of the World war.

He joined the Tech drama staff in 1919 as an assistant instructor and became a full professor six years later. From 1923 to 1931, he was head of the department, succeeding B. Iden Payne, now director of the Shakespeare Memorial Theatre at Stratford-on-Avon, and eight years ago he returned to directing and teaching.

Wallace's last appearance as an actor was made at the Pittsburgh Playhouse four summers ago, with Judith Anderson in a tryout of 'Female of the Species', which was later done on Broadway as 'Mini Scheller'. He never married and is survived only by a brother and a sister, both of Cleveland. Burial was made in that city on Saturday (3).

WILLIAM F. PETERS

William Frederick Peters, 67, composer and violinist, died in Englewood, N. J., Dec. 1, of heart disease. He was the musical director for the Maude Adams productions of 'The Little Minister' and 'L'Aiglon'. He taught Miss Adams to play the violin.

He wrote the score for 'The Purple Road', produced in 1913, and in 1922 scored the film production of 'When Knighthood Was in Flower'. He wrote the music for 'The Mayor of Pickwick' and 'The Jack' and composed several songs for 'The Passing Show of 1915'.

For 10 years he wrote the scores for motion pictures, including 'Way Down East', 'Orphans of the Storm', 'Little Old New York', and 'Four Feathers'. Recently he turned to radio, composing 13 operettas for air delivery. His wife and son survive.

HELEN CARR

Helen Ryan Crossman Carr, 38, estranged wife of Alexander Carr, committed suicide by gas poisoning in her New York apartment Dec. 4. Her husband had been seeking her to effect a reconciliation, but his first news of her whereabouts came when the police called him. Carr had been down on his luck for several years, last playing the father in 'Abie's Irish Rose'. He was the original Potash in 'Potash and Perlmutter', and before that had been a pronounced vaudeville favorite in 'The End of the World'. He recently has been trying to make a comeback as a nightclub entertainer.

Mrs. Carr, a former Ziegfeld chorus girl, had had several rifts

and reconciliations with her husband previously and once before had attempted suicide.

ROBERT M. MCGURK

Robert M. McGurk, 90, pioneer minstrel performer, died at his home in Syracuse, N. Y., Dec. 3. For many years he had played as a minstrel with Primrose & West and others.

After quitting the road late in the '90s, he was stage manager of the old Weiting Opera house here, that was the proving ground for almost every major New York hit. For the past 30 years he was employed by J. R. Clancy, manufacturer of stage equipment in Syracuse.

RUBY MAJOR (HESS)

Mrs. Ruby (Hess) Major, 36, died at the Will Rogers Memorial hospital, Saranac Lake, Nov. 25. Approximately a year ago her health became undermined when she came to the Rogers for treatment. In vaudeville she was known as one of the Major Sisters, a musical act; she also had a career in concert as a solo piano player, she received her education at the Eastman School of Music, Rochester, N. Y.

Surviving are her husband Otto, son, daughter and three sisters. Interment Springfield, Mass.

EDWARD LEROY RICE

Edward LeRoy Rice, 67, author of several books on the stage, chiefly minstrelsy, died in New York Dec. 1, one day after his 39th wedding anniversary. He was the son of the late William Henry Rice, well known on the stage for half a century.

Among his works were 'Monarchs of Minstrelsy', '1000 Men of Minstrelsy' and 'Woman', 'Anecdotes of Actors' and 'Looking Backward With Stars of Radio, Stage and Screen'. He is survived by his widow and daughter.

CARROLL SULLIVAN

Carroll Sullivan, 42, b.o. treasurer of the Plymouth, Boston, for several years, and a veteran treasurer of Hub legit houses, took his own life by shooting in the men's lounge of the Plymouth, Nov. 30.

Sullivan had entered the Plymouth, currently dark, early in the morning, without knowledge of the night watchman, who discovered his body after the suicide. He had left a note to his sister and an undertaker. He was a bachelor.

JAMES F. DELANEY

James P. Delaney, connected with the motion picture industry in Hollywood during the early days, died suddenly at his home in North Hooisick, N. Y., Dec. 2, after a two-days illness.

Delaney, who as a youth went from Hooisick to Hollywood, returned after about 20 years ago to become an executive of the New York Edison Company. He resigned in 1930. A brother and three sisters survive.

MORRIS GALSEN

Morris Galsen, 40, secretary-treasurer of the Boston Benevolent Musicians' Protective Association, Local 9, AFM, died at Boston, Nov. 17. Was a pianist, and has business manager Leo Reisman, Jacques Renard and other orchestras. A member of the B.M.P.A. Board of Directors, and sec-trez for four years.

A bachelor, survived by his mother, two sisters and two brothers.

MURRAY MELTON

Murray Melton, 30, professionally Murray Melton, member of vaudeville team of Beck, Melton and Beck, died Dec. 3 in Bellevue hospital, New York.

Melton was a brother of Lewis Melton, playwright and film writer, and the son of Isadore Melton, comedian of the Jewish theatre. His widow and a 16-week-old daughter survive.

EDWARD T. HOLWAY

Edward Taylor Holway, 76, secretary-treasurer of the Trans-Lux Corp., died at his home in Pelham, Dec. 1. He had been ill since August. He had been associated with Trans-Lux for the past 20 years.

Survived by his widow, a son and daughter.

PETER RIDGEWAY

Peter Ridgeway, actor-manager, died at his London home, Nov. 23, after a lingering illness, aged 44. Originally intended for the

church, he turned towards the stage and for seven years toured with Sybil Thordike's company. He later founded the Little Players' theatre in Covent Garden.

Survived by widow and two children.

HARRY LELAND

Harry J. Leland, 61, stage actor and director, died Nov. 28 in Los Angeles after a two-year illness.

Years ago Leland appeared with May Irwin, Frank Keenan and Robert Edson. Later he was a member of the Majestic stock company and director of the Wilkes theatre in L. A.

JOSEPH BAILEY CROCKETT

Joseph Bailey Crockett, 74, for some years owner and operator of a chain of moving picture houses in eastern Virginia, died at his home in Norfolk following paralytic stroke Dec. 2. He was ill only three days. Retired from show business a few years ago.

Mr. Crockett has one son in the theatre field now, W. F. of Virginia Beach, Va., owner of the Bayne.

VICTOR D. GETTYS

Victor D. Gettys, 39, radio expert, died recently in a hospital in Youngstown, O., from pneumonia. He went to Youngstown in 1926, his first work being with station WKBN there. In 1930 he installed the police radio station WPDG there, and was chief engineer of that station at the time of his death. Services and burial were in Youngstown.

ALMA DICKSON

Alma Dickson, 38, of New York City, an actress assigned to the Hartford Federal Theatre Project, died Nov. 27 of a heart attack.

She had been rehearsing the leading singing role of 'Lysistrata', forthcoming production of the local unit. Joined the company two months ago. Survived by a brother.

WILLIAM H. FRISK

William H. Frisk, 71, clarinetist, in the old Poli orchestra and in the employ of the Poli chain for 30 years, died in Worcester, Mass., Dec. 1.

He was a native of Illinois. Before settling down, he played with circus bands. His widow, two sons, and a daughter, survive.

WILLIAM J. CACACE

William J. Cacace age 28, died at the Will Rogers Memorial, Saranac Lake, Nov. 30.

A native of Brooklyn he went to Saranac Lake seven months ago. He was a former stage mechanic and property-man. Survivors are his wife and father and mother.

Interment Brooklynn.

EDWARD BUCEY

Edward Bucey, 53, stage manager of RKO and Keith houses in Cleveland, O., for 24 years, died Nov. 30 at his home in Richmond, O., where he was buried.

He supervised back-stage at RKO Palace in Cleveland since it was built. Widow survives him.

CHARLES E. BLOOMER

Charles E. Bloomer, 73, for 50 years an actor, died at his home in Baldwin, L. I., Nov. 30. He had played in practically everything from 'Uncle Tom's Cabin' to 'The Show Off'.

His widow survives.

PHILIP H. GOLDBERG

Philip H. Goldberg, 64, dance instructor, died Nov. 28 in Los Angeles of a heart attack.

For 30 years he conducted the Goldberg-Bosley dancing academy there.

Mrs. Mary Elizabeth Gibbs, 84, mother of George Gibbs, prexy of the Boston Benevolent Musicians' Protective Association, Local 9, AFM, died in Boston, Nov. 17.

Brother (non-pro) of Benny Fields, died in Chicago Nov. 26. Fields flew out from New York, losing two performances at the Casa Manana.

Mrs. Arthur Ofe, wife of assistant manager of Capitol, Sioux City, Ia., in Sioux City after a brief illness. Husband and two small children survive.

Mrs. Mae Cottrell, mother of Harry C. Cottrell, head of still photo department at Paramount, died Nov. 30 in Glendale, Calif.

News From the Dailies

This department contains rewritten theatrical news items as published during the week in the daily papers of New York, Chicago, San Francisco, Hollywood and London. VARIETY takes no credit for these news items; each has been rewritten from a daily paper.

East

Famous Martin's restaurant, W. 57th street, indicted by grand jury for refilling Scotch whiskey bottles.

Dorothy Vernon, actress, turns casting agent. Last played in 'Red, Hot and Blue'.

Winter Garden box office to open Sundays from 1 to 9 p.m. to sell tickets for 'Hellzapoppin'. No Sunday show.

Ruth St. Denis reported to the police loss of a set of accessories used in an Egyptian play. Taken from her apartment while she was visiting friends last week.

Johnny Jones, former vaudeville hooper, made the non-stop from Los Angeles to Roosevelt field last week in 30 hours, 40 minutes. Said to be the lightest plane ever to make the non-stop hop.

Katharine Cornell awarded the D'Orsay Decoration. Annual international award for the best dressed player. Gertrude Lawrence took it last year.

The kantele, little known Finnish instrument, and one of the oldest music-making devices, featured at a concert at Carnegie Hall last Saturday. Played by Aaro Stenroos, who is trying to popularize the device.

Rose Bampton, pinch hitting for Rosa Ponselle at the Town Hall last Wednesday, also forced to quit after the first half of the program, due to throat trouble. Audience given rain checks.

Emanuel Feuermann, exiled German musician, took out first citizenship papers in N.Y. last week. His wife also took out papers.

Greenwich Village formed a civic committee last week to spruce up the section for the world's fair. To make it 'slightly attractive'.

Lighthouse - Players, blind actresses, to present 'A Lady of Letters' at the Little Theatre of the Lighthouse next week.

Deer hunting starts around Binghamton, N. Y., with 3,000 hunters and about 800 bucks.

Maurice Schwartz's production of 'The Cities' in its final three weeks.

Union Pacific will run a Christmas special from Chicago to Sun Valley, leaving there Dec. 18. Through sleeper service the program, due to John Krinsky and Frank Gillmore speakers at the tea of the Drama League last Sunday.

Guardians of the Dione quint nix the 'Burlesque' but 'The Burlesque' meantime, it gave the fair pages of publicity.

George Lumenthal to handle 'Snow White' and 'The League of Women' week. Presented by Eva Leoni who is using the Winthrop Ames version, done a number of years ago.

John Beals and Helen Craig, of 'Soliloquy', spoke on 'The School and the Theatre' at the Guild theatre last Friday. Auditors were 650 students from various schools in N. Y. and nearby states.

Florida has 8,079 for the entertainment of winter visitors, according to Hotel Commission.

McAlpin hotel, N. Y., crippled for about an hour last Thursday by service strike.

Juilliard School to stage four performances of 'The Marriage of Figaro', starting Dec. 14. To be given at the school.

Yale Puppeteers gave a show at Columbia U Saturday.

Quies cut wine prices 10 to 20%. Will probably up spirits as much as 30c. a bottle. Effort to cut down the use of spirits.

Rose McClendon Players, Negro little theatre group, did 'Goodbye Again' Friday and Saturday at P. S. 136.

Itney Players back east after a 22-city tour. Covered more than 10,000 miles by auto. Ethel Barrymore Colt heads.

John Barbirolli, of N. Y. Symp., and Gus Wade, Carnegie Hall doorman, had a joint wedding last week with 122 candles on the cake. Wade accounted for 83 of them.

Gladys Swarthout due home Dec. 15. Has been on concert tour.

Sir Cedric Hardwicke tells Buffalo reporter that American plays and English actors are best. Says that's because English players excel in plays of character, such as are now current.

Chinese actors and musicians arrive in N. Y. to present 'A Night in Cathay', propaganda drama, proceeds of which will go to war victims. Will try a Sunday night first.

If that clicks, a regular run. Federal Theatre Project's 'Native' players will give five performances daily of Christmas carols. Start Dec. 19. Churches and street corners.

Cabaret TAC to give Monday shows at Metropolitan opera house in addition to Sunday show. American Music Hall. To start 11:45 p.m. and include dancing.

Met Opera Guild to witness a re-

hearsal of 'Falstaff' Dec. 12. Part of the payoff for their efforts.

Irish Repertory Players rehearsing Shaw's 'Widowers' Houses' as its first production.

Dorothy Parker threw a cocktail party for Spanish beneficiaries at the Coq Rouge yesterday (Tuesday) afternoon.

Mayor LaGuardia bought a box for the 4th annual show of the N. Y. Newspaper Guild.

Montrose, N. Y., fire dept. unveils a tablet to Lincoln A. Wagenhals, play producer. He was a member of the department in 1920 and presented a modern engine for their use.

David Sarnoff to receive the 1938 gold medal of achievement from the Poor Richard club of Phila. To get it Jan. 17.

Coast

Arrowhead Spring Hotel Corp., owned by film people, announced a plan to rebuild at a cost of \$1,000,000. Old layout was destroyed by forest fires.

Eddie Peabody, banjo player, was sued for divorce in L.A. on cruelty charges. Property settlement was arranged out of court.

Julie Keller, harpist, filed suit for divorce in L.A. against E. Emmet Flood.

Dave Gould, studio dance director, was ordered to pay damages of \$1,250 to landlady, who charged Gould did not take proper care of the home he rented in Westwood.

Jack Doyle, pugilistic tenor from Ireland, was ordered to leave the country by Dec. 13 or be deported. He was charged with entering the U.S. illegally from Canada. Deportation.

(Continued on page 55)

MARRIAGES

Carmen Lewis to Jack Gould in New York, Nov. 25. Bride was formerly with the Dwight Deere Wiman office. He's on the dramatic staff of the New York Times.

Janet Potter to Jackson S. Hurford, in Detroit, Nov. 20. Bride is hooper at Fox theatre; Detroit; he's assistant manager and production chief at same spot.

Mary Elizabeth (Polly) Rowles to Frank Snyder, in Pittsburgh, Dec. 6. Bride is former screen and legit player.

Joan Marsh to Charles S. Belden, in Beverly Hills, Dec. 2. Bride is a firm player; he's a screen writer.

Teresa Marasca to Nick Mamula, in New York, Dec. 3. Groom is with Paramount's home office publicity department; bride, non-pro.

Dorothy Drew, radio actress, to Walter Carruthers, radio technician, Nov. 25, in Beverly Hills.

Agnes Kleemann to Larry Chatterton, radio announcer, Nov. 5, in Riverside, Calif.

Elsa Easterly to Gordon Anderson in Omaha recently. He's sound engineer for Tri-State Theatres in Omaha.

BIRTHS

Mr. and Mrs. Neil Rau, daughter, in Hollywood, Nov. 28. Father is in Jimmie Fidler's staff.

Mr. and Mrs. Arthur Horman, daughter, in Hollywood, Nov. 30. Father is screen writer.

Mr. and Mrs. Willis Parker, daughter, in Los Angeles, Nov. 30. Father is radio continuity editor.

Mr. and Mrs. Joe DeMann, son, in Pittsburgh, Nov. 20. Father's with WB projection department in Pitt.

Mr. and Mrs. Kenneth A. Lane, twin boys, in Englewood, N. J., Nov. 17. Father formerly legit juve, now with Hitz Hotel organization.

Mr. and Mrs. Irwin Cowper, a son, Thursday (24) at Hartford. Father is continuity writer at WTIC.

Mr. and Mrs. George B. Seitz, Jr., son, Dec. 4, in Los Angeles. Father is son of Metro director. Mother is daughter of Lucien Hubbard, Metro producer.

Mr. and Mrs. William Briegleb, son, Dec. 3, Los Angeles. Father in Metro production department.

Mr. and Mrs. Jose Rodriguez, son, Dec. 4, Hollywood. Father is KFI educational director.

Mr. and Mrs. Martin Schiff, son, in New York, Dec. 1. Father is with foreign department of Warner Bros. home office.

Mr. and Mrs. Keith Wilson, daughter, Omaha, Dec. 2. Father is film critic for Omaha World-Herald.

Mr. and Mrs. Dixie Karlstein, daughter, Dec. 5, Los Angeles. Father is assistant director at Universal; mother the adopted daughter of Alexander Pantages.

WHAT THEY THINK

Barton and Miss Dere

Babylon, L. I.

Editor, VARIETY:

Your reporter phoned my wife about a suit of hers (Ann) Dere's. This suit was a surprise to me as much as it was to our managers and owners. Miss Dere had been ill—she and her brother were in an auto accident—and Miss Dere reported to the theatre covered in bandages and stitches in her face. I came to the theatre early and changed the play all around and tried to help Miss Dere go through her scenes as best I could. And when she was well I asked the stage manager to have the things put back as they were before, but Miss Dere refused. A doctor had to be called, and Miss Dere rushed in and gave her notice in the afternoon—Saturday.

Miss Wycherly was not called till Saturday night, late. Miss Wycherly was called from her dinner when Miss Dere informed the manager to get someone else to play the part. This can be checked with our stage manager, a deputy of Equity, Mr. Oshrin, our owner, and Philip Adler, our manager.

I did not ask anyone to give Miss Dere a notice. It wasn't necessary, since she had given one herself. I am sure my being a show business man I was four years old serves in my being able to read a line correctly and in not wishing another to do so, either. As far as Miss Dere being in or out of the show, one way or another, has no bearing on me. I've played the part too long now to get temperamental at this stage. And in fairness to the management and myself, I wish I understood I had nothing whatsoever to do with Miss Dere's notice.

I know your paper always checks before printing, in order to be fair. Therefore I am so sorry I was not at home for your phone call.

James Barton.

Actor's Kitchen Explains

New York.

Editor, VARIETY:

My attention was called to the clipping enclosed which appeared in a recent issue of your publication.

May I state I do not know the source of the information which you gave in that news item. In regard to this matter I will state that Mr. Walter Braun has never been connected in any official or semi-official capacity with the Actors' Kitchen and Lounge of this church, or with any other department of the church.

Mr. Braun came to our Actors' Kitchen for dinner one night, and then, like any other actor, he used the kitchen and lounge for his own use. I heard him in the church building for some two weeks' period, which permission was discontinued.

In view of the wrong inference which was made in your news item, identifying Mr. Braun with the activities of a department of this church, and in the light of my above statements, I would appreciate having a correction printed in another issue.

(Rev.) C. Everett Wagner

More Jugglery Background

London.

Editor, VARIETY:

My letter in your Nov. 2 issue brought forth such accusations from Stan Kavanagh, I trust you will also print my side of the story.

The first time this man came to my notice was when I read in *Vanity Fair*: This week W. C. Fields plays in Loew's State, and he is billed under the name of Kavanagh. I looked at him and saw a clever juggler, but nothing original. His two chief gags were Medal-on-the-Chest, which was taken from Ed La Field, and 'Looking at the Watch' gag, which belongs to Joe Jackson. At least that's where I got it 25 years ago.

When W. C. Fields, the original comedy juggler, made a world-wide hit, it was the beginning of hundreds of comedy jugglers. The most successful was Rebia. He became notable for that jerky and abrupt style of juggling three balls. Rich Hayes, who worked for Rebia, juggled in the same manner, and now, 20 years later comes the self-styled originator, S. K. All his ball bouncing routines were first done in 1900 by Robertus & Wilfreds. His returning of the balls, caused by the reverse English spin, was originated by Alexander & Evelyn. The first comedy club juggler doing K's trick of spreading the clubs apart was Selbo, a British juggler. The latter also was the first to wipe his nose with a club. K's sliding tricks were first done by Morris Cronin. Kicking up clubs with both feet belongs to George Swift. Other simil-

lar comedy club jugglers were: Sam Altus, Tom Breen, McBurns, Eddie Gray, Joe Cook, Ling & Lang, etc. Space does not permit me to name more.

However, when at the end of his letter K. starts to brag about his salary, he becomes just a bit too sorry for me. If he gets all he says and keeps it I can only wish him good luck. Personally I am very satisfied and extremely grateful for my salary received both in Europe and in America for the past 35 years. Oh yes, the apple trick was taken from Adam and Eve.

Referring to your caption in the Nov. 2 issue, 'Aldrich became famous for his quick changes; his juggling was secondary. Harrigan depended on talking and used only cigarboxes and a lamp, and Sato had a lot of props—garden fences. W. C. Fields was the big sensation—pool-table, and with his three balls he made such a hit that in London, Paris, Berlin you could not buy a rubberball. The acrobats snatched 'em up to become jugglers.'

Bob Du Pont.

Lambeth Goes Rio

Rio de Janeiro.

Editor, VARIETY:

Glover and LaMae, originators of the 'champagne' idea, have introduced the Lambeth Walk here at the Copacabana Casino. Have the whole show demonstrate it as a finale, and then we pull the customers out and they all respond. It is an unusual procedure for this swanky spot.

They call it the Lambeth Walk in Rio. Walter LaMae.

Back on Broadway

New York.

Editor, VARIETY:

Having just returned from the Coast, Rudy Vallee is a big hit at the Coconut Grove, and Joe Bigelow is darker than ever. 'Where To?', the taxicab number that we happened to write with Vallee, is swell. Vaudeville cavalcade, 'Two-a-Day,' at the Hollywood Playhouse, is delightful, with Anna Chandler a big hit and her ex-plain player, Sidney Lanfield, a big director.

When returned to New York we saw 'Soliloquy,' which they should send back to Shakespeare. 'Lorelei,' which they should send back to Cain's. A swell show, 'The Boys from Syracuse,' which a lot of people think are the Shuberts (get it?)—Shuberts were born there. Rodgers and Hart good draw for the Bronx.

It shows keep opening as fast as they are, New York will gradually turn into a one-night stand, and if a play opens Tuesday, they may advertise 'Last Matinee Wednesday.'

Jack Osterman.

House Reviews

Nixon's Grand, Philly

(Continued from page 45)

steps. Gives him a chance to show his stuff, make a colorful splash, and offers comic touch as femmes attempt to follow him. Appears in several later numbers, best of which is a 'Sidewalks of New York' affair with Willie Bryant.

Bryant has nice personality. Skit, however, in which he plays poker with George Williams and Winny Baskette is far too drawn out. Ford, Marshall and Jones are a comic act which consists mainly of making noise. Their challenge taping is a little better. Desroze Alexander warbles while the line hofs. Okay, although she lacks any particular distinction.

Jack Carter's band, with Carter himself piled amid his drums high above the rest of the crew, is more or less the usual swing outfit, always a good draw for the Grand

trade. Radio Aces again click in their standard routine of speedy mimicry, marked not only for its carbon-like imitations, but for clever lines.

House, heretofore, has been intermittently dark for five years.

GOLDEN GATE, S. F.

San Francisco, Dec. 1. Jay Brower's Orch. Cliff Edwards, Bob Hall, Six English Macks, Fayne & Foster, Page & Malone, house line; 'Service de Duze' (U).

Although Cliff Edwards is given the headline spot here, the standout is Bob Hall, extemporaneous rhymist who has been in vaude for 25 years. Edwards, with his reliable ukelele, gives a walk-on performance, making little attempt to display any of his personality as seen on the screen. His songs, including

the snappy new tune, 'Jeepers Creepers,' another newie, 'Old Folks,' and a cavalcade of melodies from his Broadway shows and films, are good, especially 'Jeepers Creepers.' His stories, however, evoke only mild response.

Hall, whose stock in trade is his amazing ability to put any subject into rhyme on the spur of the moment, offers an entertaining line of patter in verse, concluding with a lengthy rhyme incorporating topics suggested by the audience.

Six English Macks furnish some skiffle acrobatic work, mostly via a teeter-board. Generally classy, the act needs some more practicing on several stunts which didn't work out as anticipated.

Page and Malone, combination toe and tap dance team, registered nicely. Openers on the bill are Fayne and Foster, who wangle tunes out of wine glasses and cow bells. Bill Bullard, pianist with Jay Brower's band, plays the difficult 'Hungarian Rhapsody.' The 'Three Glorified Beauties,' house line, offer two routines, one a nautical number and another a fan dance. Neither up to the usual standard, the finale being on the weak side. *Milt.*

Bar Columnist

(Continued from page 1)

It's understood the Wiman office had explained the situation to him with the request that he pass up the event. Reported that Shubert was so steamed that he threatened to tear up the contract for the house if Lyons was allowed to see the show. He's also said to have threatened that if the columnist attempted to attend he would be barred at the door.

Last ban of a newspaperman by the Shuberts occurred when Walter Winchell was ruled out several seasons ago. Once he was able to get backstage disguised with whiskers, however, then reaching the front of the house.

John Mason Brown is the Post critic but Lyons, as are several other columnists, generally go on the first night. Stated that Lyons has been taking pot shots at the Shuberts for the past year or two. Some months ago the showmen ordered the theatre out of the Post but they reappeared after producers with shows in their houses objected to being drawn into the quarrel.

Riefenstahl

(Continued from page 1)

films which runs nearly 20 reels. Aside from the fact that all look askance on the box office potentialities of the subject, the manner in which the American newsmen were taken over the bumps at the Berlin Olympics also is an unfavorable factor.

Representatives of U. S. newsmen, trying to cover the Olympics in Germany two years ago, were forced to sign signature packs limiting the amount of footage and guaranteeing duplicate material of every shot made for the German film syndicate. Newsmen in New York were inclined to believe that some of their material doubtfully is in this elaborate German feature.

The Nazi Olympic picture record is regarded as well edited and fairly comprehensive, subject by those who have viewed it but industry chiefs fail to see what place it has in the American scene at the present time.

Gargantua to London

New Orleans, Dec. 6.

Gargantua, 450-pound Ringling Brothers gorilla, arrived here from circus winter quarters in Sarasota, Fla., with his trainer, Richard Kroner, and was loaded aboard S.S. Kasenden, which leaves for London, where monster Simian will make six-week appearance with a circus.

John Ringling North, executive head of R & B Circus, announced last week in Sarasota that he would leave later for London and the Bertram Mills Olympic Circus, which will exhibit Gargantua.

ANDRE LASKY TO MEXICO CITY

Chicago, Dec. 6.

Andre Lasky, vaude producer for years, has gone to Mexico City, where he's setting up a vaude booking office.

Will also operate a nitery.

Gal Moran, Pittsburgh swing songstress, has left for Texas to join Jimmy Joy's band as a featured vocalist.

AFA Campaign to Get Carney Employees Enrolled Gains Momentum

SHARES RAP WITH COPS

Concession Manager Gets Jail Term in Buffalo Gambling Scandal

Buffalo, Dec. 6.

James P. Sullivan of Toronto, manager of the carnival concessions during the 1937 Veterans of Foreign Wars national convention here, was this week sentenced to five months in the Erie County Penitentiary on a plea of guilty to a charge of conspiracy in connection with the Centennial Park gambling scandal.

Four members of the Buffalo police force were convicted on charges last month arising out of the Convention. Rubin & Cherry shows operated the carnival concessions.

WHITEHEAD TO CONFER ON RINGLING PACT ROW

Ralph Whitehead, executive secretary of the American Federation of Actors, trains to New York this week from Los Angeles.

On arrival, Whitehead is expected to confer with the North and Ringling family on possible settlement of Ringling-Barnum & Bailey circus differences with the union. If matter can be amicably settled it's likely the AFA breach of contract suit pending against the circus will be dropped. John Ringling North sails for Europe Dec. 16 and has requested that talks take place before his departure.

Pa. Pinballers' Plea

Philadelphia, Dec. 6.

Plans will be made tomorrow (Wednesday) at a board meeting of the Amusement Machine Operators Assn. of Pennsylvania for distribution of petition blanks to operators and location owners for purpose of securing 50,000 signatures to be presented at the next session of the Legislature. Petitions will ask passage of bills legalizing passing out of prizes and reduction of taxes affecting the pinball industry.

Another step to be taken will be formation of local units of the AMOA in various towns throughout the State. They will cooperate with the parent body and deal with situations which the statewide group cannot handle. Such groups have already been formed in Reading, Pittsburgh, Scranton, Allentown and Philly.

News of Dailies

(Continued from page 54)

tion order was outcome of a hearing by the Department of Immigration in Los Angeles.

Oliver Morosco, theatrical producer, settled \$50,000 damage suit out of court in L.A. He had sued a building contractor for damages incurred in an automobile crash in Hollywood last February.

Hala Linda, stage and screen actress, was sued for \$15,000 in L.A. by her former attorney, Percy M. Bokofsky, who claims she owes him that amount for legal services.

Dorothy Sebastian, film actress, was fined \$75 and placed on probation for two years, following her conviction on a traffic violation in Beverly Hills.

Fight over the estate of Richard Boleslavsky, film director, between his widow and his divorced wife was settled out of court in L.A. Suit was started by Natasha Boleslavsky, who claimed the director promised to pay her \$55,000 a week for life when they were divorced in 1929.

Lora Sonderson, former Folies girl, was denied an annulment of her marriage to Joseph C. Cannon in L.A. Court tossed out plea that her husband had deceived her with tales of wealth.

Roy Vallee won a newspaper decision over a heckler in Coney Island, L.A., where he is playing.

Roan Rexford, screen actress, was awarded a divorce from Joe L. Lubowski, musician, in L.A. Allegation suit for \$225,000 was filed in L.A. by Maurine, husband and dancing partner of Norva, against Jack Greenhouse, insurance exec.

Chicago, Dec. 6.

American Federation of Actors proved to be the outstanding point of interest among carnival owners and fair secretaries at the outdoors convention here last week. Pro and con arguments reverberated through the lobby and corridors of the Sherman hotel as those who had signed under AFA agreements wrangled with those carney owners who have decided to go on a holdout strike.

Some 30 carnivals, including such outfits as the Hennies Bros., Capt. Sheesley and the Strates Bros. have nixed the AFA agreement deal at this time, though negotiations are still continuing on a possible settlement of the tiff. Meanwhile most of the largest and most imposing carnivals have already monickered the AFA agreement 100% and without reservations. They include such top outfits as Johnny J. Jones, Royal American, Beckmann & Gerey, Rubin Gruberg, Max Gruberg, Max Linderman.

LABOR TIF OUSTS INT. FAIR SEC. IN CHI

Chicago, Dec. 6.

Upheaval in the ranks of the International Fairs and Expositions at the convention here last week saw the ousting of Ralph Hemphill of Oklahoma City from the post of secretary-treasurer, a position Hemphill had held for 25 years. He has been replaced by Frank Kingman of Brooklyn, Mass.

Hemphill was voted out of office due to the battle of unionization which was the key factor in all discussions at the convention just closed. Hemphill, along with Ralph Ammon of Milwaukee, took a stand as opposed to the unionization of carnivals and the outdoors business; while the general membership believed that the carnivals should not bring their organizational and strictly individual labor troubles into the fair pictures or try to dump their labor arguments into the laps of the fair secretaries. General body of secretaries in attendance expressed the belief that the carnival should clean their own skirts before trying to negotiate with the fairs for dates or bookings and that the fairs themselves could not permit themselves to become embroiled over labor matters with interstate organizations.

Fair secretaries generally felt that since the very existence of their fairs and expositions depended on the public through state appropriations, that the fairs must then merely see to it that the people who work for them are hired and work under proper conditions. Those fair secretaries who came out strongly in favor of seeing that the carnivals organize under proper labor conditions were Sid Johns of Saskatoon, L. B. Herring of Beaumont and Charles Green of Sedalia, all ardently pro-union.

Gambling Drive Ousts Chief

Norfolk, Va., Dec. 6.

Mincing no words in his resignation as chief of police of Virginia Beach, Virginia swank resort, H. L. McClanahan on Nov. 30 said 'open gambling was known to almost all of the residents who regarded the condition as beneficial to the resort.'

Chief McClanahan quit as the grand jury of Princess Anne County (Va.) was preparing to hear his answer and that of Mayor Roy Smith to charges calling upon them to show cause why they should not be removed from office. As result of the resignation the jury dropped its investigation against him and the mayor.

Investigation of the gambling conditions at the beach reached public eye and print when three persons stationed at churches in the area wrote to Governor James H. Price asking for an appointment to 'tell all.' As the date was being considered for such a confab the Princess Anne Circuit court took up the matter.

McClanahan has taken a position with the fire department.

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PAGES

NATION'S POWDER BARREL

Denver Public Schools Producing Films, 1st Such Visual Education

Denver, Dec. 13. Said to be the first in the U. S., the Denver public schools are starting visual education by means of films made here. It is being set up with the aid of the American Council on Education of Washington, D. C. Two council officials, Charles F. Hoban, Jr. and F. E. Brooker, came to Denver to assist in setting up the project.

The subject of one of the films will be 'How to Get a Job,' with others on health, Denver food supply, housing and recreation planned. These films will be ready by spring and will be available for use by clubs and civic groups. Shown in all Denver high schools they will be used as a pattern for similar work in other cities. Students and teachers are showing unusual interest in the course. Films will be prepared by the students with large groups selected to prepare the script and other work preparatory to getting production started.

Dr. Roy A. Hinderman, social service director, will supervise the project, with camera work under the direction of E. H. Harrington, school principal, who has had wide experience in photography.

Wrigley's May B. R. 1939 World Fair's U. S. 'Olympic' Games

Philadelphia, Dec. 13. Wrigley's is claimed to have tentatively okayed, at a total cost of almost \$500,000, a plan to conduct and air so-called 'Olympic games' in every county and state in America next year. Idea was propounded by Ira Walsh (Izzy Weiss), sports gabber on WFIL. Wrigley deal is in the hands of Albert Kircher ad agency here, to whom Walsh went with it.

Plan, which is understood to have A.A.U. backing, is to run Olympics in each county, elimination winners going into State contests, and State winners competing at the World's Fair. Sponsor, of course, would have sole air rights to the huge promotion stunt.

Dempsey's Bistro P.A.s To Plug Own Whiskey

Jack Dempsey is making personal appearances again, but doing a new kind of exhibition with a whiskey bottle for a prop. Restaurateur has a new brand of pop-priced whiskey named after him, label featuring his likeness.

The ex-champ makes the rounds of local saloons bawling the brand, with a quick speech and bow routine.

Radio and His 14 Kids Win Election for Houde

Montreal, Dec. 13. Camilien Houde has equalled the feat of W. Lee O'Daniel, Governor-elect of Texas, by having himself elected to the post of mayor through the exclusive use of radio. M. Houde used CKAC and CFCF and the government station against the combined opposition of all the local dailies and several other candidates. Montreal's mayor-elect made the circumstance that he is the father of 14 children the chief point of ballyhoo in his campaign. The Texas flour-salesman resorted to hillbilly shows and Biblical excerpts.

GANGSTER FILM CYCLE YEN UP AGAIN

Hollywood, Dec. 13. Crime picture situation, particularly any intensive revival of gangster films, may be brought to the attention of home office executives while Will Hays is in the east right now. Informal discussions loom as a likelihood in forthcoming Motion Picture Producer & Distributor parlays although officially no cognizance has been accorded in N. Y. Gangster picture growth was aired considerably on the Coast in the last 10 days, but nothing was done.

Attitude of Haysians is that the Joe Breen office on the Coast and the production code administration officials in the east are sufficient to meet the situation. Reason for interest being focused on the problem is that producers are aware of the public urge for more realistic treatment of films touching on current-day topics and problems.

Understood that Haysites are aware that there is swinging back of pendulum from costume and historical dramas to present-day themes on the screen. All agree that public demand today is for productions dealing realistically with the current scenes. In this new epoch, they aver, the temptation to grab off the spectacular is veering towards the yen to make cops-and-robbers dramas, or Federal Bureau of Investigation stories.

STIR PREJUDICES OVER THE RADIO

Racial and Secular Feeling a Deep-Seated American Problem — Inflammatory Demagogues, Given the Mike, Become Abusive—Denied the Air, They Abuse Radio

FAITHS DEPRECATE

Informed opinion in the United States is alarmed over the possibilities of racial and religious feeling getting out of hand. This is viewed as a problem of national, rather than local scope, and as deep-seated rather than superficial. Element making it so dangerous to democratic prestige is radio, to which every mouthpiece for an inflammatory viewpoint turns for a sounding board. If these spokesmen get on the air, they abuse the privilege; if they are denied the privilege they abuse the radio industry. 'Free speech' meanwhile becomes a rallying cry of those who denounce it when exercised by others.

Radio may be the instrumentality that either preserves democratic processes or holds them up to ridicule. Nobody can guess right now. Meanwhile, the middle west in particular is said to be a seething under- (Continued on page 46)

Hayes-MacArthur's Off-to-Cairo After 'Victoria' Tour Ends

After her forthcoming tour in 'Victoria Regina,' Helen Hayes will go to Egypt with her husband, Charles MacArthur. Latter returned last week from a Metro writing stint. His new play, which he finished before going to the Coast, will probably be produced this spring by Gilbert Miller. Miss Hayes will not be in it, as she doesn't intend doing any more acting this season. Production may or may not await MacArthur's return from Egypt. Play is an untitled comedy and is figured tough to cast.

Actress will play Montreal in 'Victoria' the week of Jan. 2, immediately following the engagement of the French version, with Gaby Morlay, there. Mon Hayes had hoped to attend a matinee of Miss Morlay's per- (Continued on page 57)

Pic Crowd Buys H'wood Ball Club; Colossal Touch for Grand Ol' Game

'Happy Marriage' Game Prize of Divorce Show

San Francisco, Dec. 13. A 'Happy Marriage' game, inspired by the theme of the 'I Want a Divorce' air dramas, which point the way to happy solutions of marital difficulties, is being offered in connection with the Sunday night broadcasts of the quarter-hour plays over coast Columbia Broadcasting System outlets under the banner of S. & W. Fine Foods, Inc. 'I Want a Divorce' will be broadcast via platters over WGN, Chicago, under a contract signed recently with the National Transcription Recording Co., which holds the transcription rights to the plays. Deal handled through Schwimmer & Scott, Chicago.

52D ST. WOULD PROTECT ITS GOOD NAME

Realizing its established prestige as America's Montmartre, the better-grade niteries on 52d Street are planning a protective and vigilante organization to cope with the clip joints that may overstep the bounds when the influx of World's Fair visitors starts in 1939.

The 52d street block between Fifth and Sixth avenues, now numbers 25 niteries, bistros and eateries, of every type and character, side by side. Others may come or go, depending on business. Some of 'em might be suspected of charging all the traffic can bear, to the ultimate detriment of the established spots, for the future.

Entertainment Items Top Shopping Lists

Chicago, Dec. 13. Entertainment items rate as three of the four leading Christmas gift articles, according to a general merchants' survey throughout the country. Leading the entire field in Christmas gifts are photographs and (Continued on page 11)

Hollywood, Dec. 13. This town is about to have its own 'A' production in baseball, a 100% Hollywood club in the Pacific Coast league, with a reasonable chance of becoming a part of the major league circuit and a process shot of a world series in the offing.

Syndicate headed by Bob Cobb, the big Brown Derby man, Victor Ford Collins and other Hollywood personages, has bought the baseball franchise from Herbert Fleishacker, Frisco banker. The list of stockholders is distinctly celluloid. Among the grandstand coaches of the new Hollywood Stars you will now find Gary Cooper, Charlie Rogers, Robert Taylor, Joe Schmitzer, Carole Lombard, Bill Frawley, Lee Batson, Barbara Stanwyck, Danny Danner, Gail Patrick and others.

The big idea is Hollywood's own ball club, by and for the picture folks. They figure Hollywood is big enough to break away from Los Angeles and support its own club in its own ball park. Thus far they have a franchise, Red Kilifer as a manager and a nucleus of a team left over from last season.

Park in H'wood. There are four available sites for a big league park in Hollywood, but Cobb has not picked his spot, awaiting dickers with various real estate outfits. The idea is to build the layout in the heart of the film colony, far from Wrigley Field, where the Stars alternated with the Los Angeles team in past seasons.

Hollywood, big league in pictures, radio, horse racing and football, is ambitious to go that way in baseball, with a flock of film jacks to back it up. Major league baseball, is bound to hit the Pacific Coast some day, with San Francisco and Los Angeles as the two available spots to take (Continued on page 21)

Plugs German Cameras, Slights Jews, 3 Books Withdrawn by S.&S.

Because of the Nazis' racial discriminations, Simon & Schuster is quietly withdrawing three healthy sellers from publication. One of them, 'Miniature Photography,' turned out by Richard L. Simon, of the firm, is being consigned to the junk heap. Reason for withdrawal is that the author said some kind words about German-built cameras. S&S currently feels such plugging is against the grain.

Also slated for withdrawal are the Jerome Weidman books, 'I Can Get It For You Wholesale' and its recent sequel, 'What's In It For Me.' Angle here is reported to be that both books could be interpreted as putting the Jews in an unethical light. Company is not publicizing this maneuver, merely letting the booksellers know about it via formal notice.

RADIO SHOWMANSHIP AWARDS AND ANNUAL SURVEY

PAGES 31-36 THIS ISSUE

Zukor, Hicks, Rose Huddle on Par's Foreign Situation; Latter Sails On Friday (16), Zukor Probably Later

Following numerous conferences on the foreign situation and problems Adolph Zukor will tackle on going abroad, including an all-day session Monday in which he, John W. Hicks, Jr., David Rose and others figured Rose has booked passage to sail for London Friday (16) when, if it is possible for him to make it, Zukor may also depart for abroad. In any event, according to present plans, Rose will sail as scheduled. It may be necessary for Zukor to remain on longer to discuss matters with Hicks and others. Late yesterday (Tues.) he stated he had made no decision.

Following Monday's all-day huddling, Zukor was in good spirits and, while unwilling to discuss proposed trip to London, any cause of possible friction concerning basis on which he goes abroad has presumably been removed. Reported also that others in Par are apparently pleased over results of conferences to date. It had been previously reported Zukor was making certain demands.

It is now declared unlikely that another board meeting will be held this month. Even if Zukor should not leave until after the holidays, the next regular date for a meeting, Dec. 23, will probably be postponed. By that time Stanton L. Griffis will be away and not likely that E. V. Richards would interrupt the holidays to come up for board session. Richards was in New York to attend last week's meeting, the first Zukor has sat in on for a long time, but reportedly it was very routine and concerned nothing more than declaration of regular dividends on the two preferred stocks. It was one of the show-up meetings to date. Though no discussion is known to have taken place at the Dec. 7 board meeting, it is still reported Griffis may take over the chairmanship of the board.

Griffis is planning to go to Florida in time for the Xmas holidays. His yacht is already down there. Richards, in N. Y. for 10 days, left Friday (9) for New Orleans.

John W. Hicks, Jr., Paramount v. p. in charge of foreign operations, and Rose, in charge of Paramount English production affairs, arrived on Friday (9) from Europe for a session with Barney Balaban, Stanton Griffis and Adolph Zukor regarding company's English plans this coming year.

See Death of Pix
Hicks believes there will be a decided shortage of pictures in Great Britain in about six months but thinks it is nothing to be alarmed with and that there will be plenty of product forthcoming in 1939.

Concerning the Italian situation he has heard nothing about talk that Italy would postpone its nationalization of film industry for another six months and said, "we are all set to pull out at the end of the year. What happens after Dec. 31 is problematical. We will have to be guided by what all the companies decide to do."

Pictures have been badly affected in Central Europe but Hicks found Paramount's business very good in Holland, Scandinavia and France. Regarding France he said two pictures were produced there for Paramount this year and have been released. Hicks stated Par has certain production plans for France, but they are not in shape now to discuss. He also stated Par business was booming in Latin America and that the company would release four Spanish productions now being made in Hollywood by Dario Fanello.

Concerning rumors that Paramount last summer contemplated sale of its English theatres, and the turning over of English distribution to British interests, all this is being discussed at the conferences in New York.

Rose stated that starting next month Paramount is going into production of its own in England, first picture to be "French Without Tears," a double-quota film. For the first year, plans call for production of between seven and nine pictures and from 10-12 the second year. The other first lineup of seven to nine films will have world wide distribution. Budgets will be discussed here next week.

Two quota films for Paramount release have been completed by outside producers. One is "The Stolen Life" with Elisabeth Bergner, pro-

Steve Hannagan, LL.B.

Some of Manhattan's leading law firms have been retained by the defendant films companies in the Government's anti-trust suit instituted in New York.

In the procedure of translating for the press the meaning of the multiplicity of denials, appeals, petitions and briefs incidental to an action that probably will extend over several years, the legal talent has engaged Steve Hannagan, to act as Special public relations counsellor.

Hannagan will dovetail the job into his other activities which include promotion for Sun Valley, Idaho; Miami Beach, Fla.; Indianapolis Speedway, Arlington Park and Puerto Rico.

Goldwyn in a Spot Because of Winchell's Broadcast on U. S. Suit

Hollywood, Dec. 13. Walter Winchell put Sam Goldwyn on the spot with the industry when he broadcast Sunday night (11) that the producer would testify against the picture biz in the Government's suit against film makers.

Jock Lawrence, press liaison for Goldwyn, admitted phoning Winchell to tell him about the unfairness of his attacks on Jimmy Roosevelt and asking him to plug the "rededication day" program, but nothing was said about Goldwyn "turning" on the industry.

Lawrence said he made it clear to Winchell that Goldwyn owned no theatres and therefore is not a party to the Federal action which, naturally, any insinuation the President's son was hired by him to stymie the Government action.

In 1932, Jimmy Roosevelt Wanted to Be Par Filmer

Hollywood, Dec. 13. Jimmy Roosevelt did not get his job as vice-president of Samuel Goldwyn, Inc., on account of his good looks. That was decided, six years ago when the son of the then President-elect took a Paramount screen test in New York. Back in November, 1932, a few days after Franklin Roosevelt had been elected the first time, his son offered his services as a Hollywood actor.

Paramount home-office execs thought well of Jimmy's cultural ambitions, the report discloses, but the studio boys, far from Washington, did not grasp the idea. Here is the Par studio report of Jimmy's adventure into the cinematic art, written on Nov. 22, 1932.

Jimmy Roosevelt: Production staff today saw test of above, who is son of Franklin D. Roosevelt, President-elect. James is about six feet tall; about 25 years of age, and has a good speaking voice, although he is not good looking. He has a peculiar way of twisting his mouth when he speaks. Because of his appearance he would not be available for leads, and could only be dragged into pictures, such as westerns, for the purpose of exploiting the same because of his name value.

ARRIVALS

Irving Asher, Mr. and Mrs. Domenico Savino, Montague Marks, Otto Kruger, Mr. and Mrs. George Arliss, Gabriel Pascal, Joseph A. McConville, Joseph Friedman, Max Milder, C. H. Brown, Felipe Mier, Kimberly and Page, Hal Horne.

duced by Orlon Pictures, and the other is "This Man Is News," a single-quota picture. One of the more important pictures Paramount itself plans to make will be a triple-quota film, "Hatter's Castle."

Rose returns to England Friday (16). Neither Rose or Hicks were certain if they would sail with

Plea for a Bill Of Particulars Sets B&K Suit Back to Jan. 16

Chicago, Dec. 13. Government suit against Balaban & Katz, Paramount, RKO, Universal, 20th Century-Fox, Warner Bros., Loew's, United Artists and Barney Balaban on charges of violation of the 1932 consent decree has been recessed until Jan. 16 as Federal Judge Woodward takes under advisement the defendants' request and plea for a full bill of particulars from the plaintiff. Counsel after counsel for the several defendants appeared before the bar last week and stated that the present bill of complaints filed by the Government is too vague and asked that Uncle Sam particularize its complaints by specifying actual dates, names and places of alleged violations of the 1932 decree, and of alleged general unfair trade practices.

Counsel for RKO and Universal went a step further and asked that its two clients be dismissed entirely from the suit as having no real connection with the allegations in the Government's complaint. Claimed that RKO and Universal are apart from the general loop trade operations, with RKO operating its own theatre and using RKO product and Universal.

Win or lose, the Government case in Chicago will cost the defendant companies better than \$200,000 in legal fees according to the top-line counsel lined up by the film firms. Attorneys for Paramount, Balaban & Katz and Barney Balaban are Kirkland, Fleming, Green & Martin, also representing B. & K. in the suit filed against the circuit and the major distributors by the Allied independent theatres in Chicago. Representing RKO and Universal is the firm of (Leo) Spitz & Adcock; Warner Bros. is being defended by the firm of Detre, Buckingham, Jones & Hoffman; United Artists by Sonnenschein, Berkson, Lautman, Levinson & Morse; Loew's by Mayer, Meyer, Austrian & Platt, while 20th-Fox has Frank Matthews for its local attorney, with the New York firm of Kugel & Pride also in the picture.

Philadelphia, Dec. 13. Additional particulars were asked by Warner Bros. last week in the suit brought against them by Harry Fox demanding better clearance for his theatres in Ardmore and Bryn Mawr, Pa. Both sides filed briefs with the U. S. District Court last week.

Momand's Encore
Oklahoma City, Dec. 13. A. B. Momand's \$4,600,000 anti-trust suit came up before Federal Judge A. F. Murrah again last week with filing of amended petition by Momand. Present petition differs slightly from former in listing more facts and dates and cites specific sections of Sherman and Clayton anti-trust acts under which suit is filed.

Also gives dates on which defendants allegedly entered an alleged conspiracy and explains details on this and previous case, and reasons for filing of present suit.

N. Y. to L. A.

Kenny Baker.
Jack Benny.
Ben Blumenthal.
Mr. and Mrs. T. J. Garnett.
Judge F. E. Goldsmith.
Phil Harris.
Marcel Hellman.
Irene Hervey.
Alan Jones.
Alexander Korda.
John Laing.
Aline MacMahon.
Chester Morris.
Mary Pickford.
Harry Sobel.
Arlene Whelan.
Don Wilson.

Other News of Interest to Films

New South Wales legislation.....	Page 17
Reorg Tobies, Berlin.....	Page 17
Survey of Latin film market.....	Page 17
Yank firms nix Italian overtures.....	Page 17
Much ado about Carole Lombard guesting.....	Page 37
Lasky's radio Booner.....	Page 38
Radio reports: Jack Haley, Margaret Sullivan, Leslie Howard.....	Page 42
New acts: Shirley Ross, Frank Jenks.....	Page 54
Phillips Holmes, Jean Muir replace in 'Golden Boy'.....	Page 59

Names in the News

Hollywood and radio parlayed itself into a grand slam this past week in the public prints. The Burns and Allen smuggling charge; that fan mag's diatribe on "unmarital bills" in the film colony; that William P. Buckner trial in Los Angeles for using the mails to defraud in connection with the sale to many film notables—13 of them have been supposed to testify—of Philippine bonds; the Errol Flynn fistcuffs at a Hollywood party; and that Moe Snyder (Col. Gimp)-Ruth Eting trial, also in Hollywood, is giving the Coast colony plenty of free space. The wrong kind.

Considering that the picture industry is on its final lap with a \$1,000,000 "good will" publicity campaign, this doesn't exactly jell with the purpose of the drive. Some of the dailies whose publishers enjoy wide repute in show business as being ardent "picture fans" were among the first to scare-head the recent accumulation of Hollywood personality news. A few of the dailies seemed inclined to give George (Nat) Burns (and Allen) a break as an innocent victim, and the fact he was turning Government evidence in the Albert N. Chapeau smuggling indictment. (As was detailed last week, Chapeau, who has been a Central American film importer, made a practice of cultivating show people on their trans-Atlantic holiday excursions.)

ELLIOTT'S WB SUIT ENDS WITH POOLING

Philadelphia, Dec. 13. Confab to draw up a final agreement between Herb Elliott, operator of the Fern Rock theatre, and Warner Bros. is slated for today (Tuesday). Terms of the pact were reached at conferences during the past week and all that will remain after today's meeting will be inkling of the official documents, probably in New York later in the week. It isn't expected to become effective until the last week in December or the first of January.

Thus comes to a victorious end for Elliott one of the most comprehensive and drastic suits ever filed against the major distributors, producers and circuits by an indie exhibitor. In his bill of complaint, patterned largely after that filed in New York by the U. S., charging conspiracy and restraint of trade, Elliott named eight majors and their distributing and circuit affiliates. Principal defendant, however, in the suit filed less than a month ago in U. S. District Court, was Warners. Elliott demanded divorcement of the circuit and appointment by the court of a trustee to take it over immediately, pending final outcome of the suit.

Terms granted Elliott by WB include a pooling arrangement with the latter's Colney. Elliott will supervise and book both houses, sharing profits with the circuit. In addition, during the past week Elliott won a concession on clearance schedule for both Fern Rock and Colney of seven days after first-run in North Philadelphia. This is in part a compromise in that the new Lane theatre will precede his run, but only so long as it keeps its price at 42c, while he charges 37c. However, he gets film only one day after the Uptown and Yorktown and before the Grange and Bromley.

Basis of Elliott's suit was that exchanges forced him back a run everytime WB built a new house in his vicinity. His competition originally was the Colney exclusively. Then the Yorktown was built, then the Grange, then the Bromley. Last week came last month with completion of the Lane. Elliott complained that he couldn't exist and the court granted him relief at a preliminary hearing by issuing an injunction restraining the Lane from playing certain pix before he got them.

Hays Meeting Next Wk.

Quarterly directors' meeting of the Hays office scheduled for today (14) in New York City was postponed until next week because of lack of quorum.

Several important matters, including the foreign situation as it affects distribution, and possible tentative lineup for the Silver Jubilee great-est film year in 1939, are slated for discussion.

Mayer Follows Brandt to D. C.; On U. S. Suit

Arthur Mayer, operator of the Rialto, N. Y., who conferred last week with Assistant U. S. Attorney General Thurman G. Arnold, as did Harry Brandt, president of the Independent Theatre Owners of New York, refused to discuss what went on behind closed doors. Brandt likewise declined to comment.

Common gossip along New York's film row has been to the effect that Mayer was known to be dissatisfied with the current situation on Broadway, because of the dearth of first-run product.

When Mayer leased the Rialto some years ago he had an understanding with Paramount whereby he was to get the slough pictures and, after the Paramount's ace house, also some of the "A" product. When this arrangement petered out Mayer was able to get some Metro "B" pictures until this fall when Loew's took over operation of the Criterion from B. S. Moss and began using up its Bs in that way.

Of late months whatever pictures Universal, Monogram and other indies could give him, but still deplores inability to get product from the so-called first-line companies.

It is also known that investigators from the Department of Justice were in touch with Mayer last month regarding his product difficulties and conversation in Washington may have had to do with developments along that line.

SAILINGS

Dec. 26 (New York to London), Madeleine Carroll (Normandie).
Dec. 18 (Los Angeles to Panama), Armand Schaefer (City of Newport).
Dec. 17 (London to New York), Walter J. Hutchinson, Francis Hurley (Normandie).
Dec. 18 (New York to London), David Rose, Herbert Wilcox, Anna Neagle, Mr. and Mrs. Ray Milland (Queen Mary).
Dec. 14 (New York to London), Percy Burton (Washington).
Dec. 11 (New York to Havana), Karl Macdonald (plane).
Dec. 10 (London to New York), Joseph P. Kennedy, Peggy Wood, Lili Damita, Lee Ephraim, Harriet Cohen, Harold Holt, George Arliss, Gordon Ellis, Robert Ritchie, Harry Ham, Monica McCall (Queen Mary).

L. A. to N. Y.

Nate Blumberg.
Tom Buchanan.
Edward J. Churchill.
Delmar Daves.
Robert M. Gilliam.
Francis Harmon.
Ralph Jester.
Sidney R. Kent.
Joseph Mankiewicz.
Charlie MacArthur.
Charles E. McCarthy.
Mr. and Mrs. Ray Milland.
Arnold Plesni.
Harry Popkin.
Tyronne Power.
Mr. and Mrs. Jimmy Ritz.
George J. Schafer.
Norma Talmadge.
Franchot Tone.
Jim Tully.
Walter Ward.
Crane Wilbur.
Herbert J. Yates.

20TH'S \$7,500,000 FOR 1938

CHASE, ZANUCK SELLING STOCKS

Bank Disposed of 50,200 Shares in 15 Batches During October—Zanuck Dropped 10,000 from His Portfolio

SWITCHING TO PFD.

Recent sale of 50,000 shares of 20th-Fox common by Chase National is viewed in financial circles as furtherance of a move by the bank to dispose of its common holdings in the film company. Chase still holds about 287,000 common shares and has shown no recent sales of preferred in the picture company.

Significance attached to the selling of common in Wall Street was that it is the first time that there has been any material liquidation of these shares. In disposing of the common issue, Chase is understood merely to be holding to an old banking rule which opposes retention of common stock over a long period of time. At one time Chase held 350,000 common shares or more.

The 20th-Fox stock has been held for approximately five years now. Coupled with the desire to liquidate a portion of the common holdings to secure more diversification in its stock portfolio, the bankers also are fully cognizant of the attractiveness of the preferred issue at the present stock exchange quotations, not only in relation to the common price but also from the long-range viewpoint. Preference stock pays \$1.50 as compared with \$2 paid this year on common shares and of late has been selling at only \$8 to \$7 more in price than the common. There's also the differential in exchange to be considered.

Although Darryl Zanuck has sold some 20th-Fox shares, he still holds 100,000 common, and other officers' holdings are virtually undisturbed.

Par's Move

Despite the fact that the regular quarterly dividends were declared last week on both Paramount preferred issues, financial circles were (Continued on page 19)

WB'S \$1,750,000 LOAN ON 10 PA.-N. J. HOUSES

Stanley Co. of America, Warner theatre subsidiary in Pennsylvania and New Jersey, is negotiating loan of \$1,750,000 on more than 10 of its theatre properties, from the Connecticut Mutual Life Insurance Co. of Hartford, Conn. Purpose of the loan is to obtain money for refunding certain mortgages that are now in effect, plus money to be used for general corporate purposes.

Some of the theatres involved are the Central and Rialto, Jersey City; Roosevelt and Lincoln, Union City; Hudson, Kearny, and others in other counties of New Jersey.

Loan is at 5% due in November, 1943, and is repayable in quarterly installments. Negotiations are being handled by Joseph Bernhard, v.p. of Stanley, and E. K. Hessberg, assistant secretary.

Orlob's Astoria-Made To Precede Howard's

'One-Third of a Nation,' brought in by Harold Orlob at \$165,000, considerably under the budget, originally set for Christmas week, will probably be sent out some time in January.

Picture was made at Astori, L. I., where William K. Howard is also winding up a feature that will be released by Par, title of which has been switched to 'Back Door to Heaven.' Howard pic cost around \$160,000.

BLOCKBOOKING NOT SHOWMANSHIP

Publication of the first draft of the proposed trade practice program creates within the film industry the conviction that exhibitors have won a few material benefits and that distributors have maintained the status quo with a minimum of concessions.

On the issue of theatre expansion by the major companies, and the related subjects, there is no mention. The entire question of chain operation and divorce, therefore, is left to determination by the Federal courts when, as and if the Government's anti-trust suit finally reaches trial. Discussions between distributors and exhibitors were predicated on the elimination from debate of the affiliated theatre problem, so there is no need for surprise that the subject is omitted from the first draft.

Most important aspect of the memorandum is the proposed re-establishment of arbitration, within the industry as the practical method of handling contractual disputes. Arbitration is an old friend (or at least a friendly enemy), and if the legal hurdles incident to arbitration can be successfully cleared, then the proponents of self-regulation will have succeeded in establishing a foundation on which to erect a structure of inestimable benefit to all factions in the film industry.

Up to this stage in their discussions the negotiators have maintained a policy of withholding from the trade at large the subjects of negotiation and the various views expressed by the conferees. With the distribution of printed memoranda to a dozen or more exhibitor associations and to the home offices of distributors, the moves by each side from now on are likely to remain in the open.

Dispassionate review of the results to date emphasizes the ends to which distributors are willing to go to sustain the general trade practice of block selling of pictures. More liberal privileges of cancellation (20% on contracts of \$100 or under; 15% to \$250 and 10% above \$250) have been granted exhibitors, and various provisions also have been made restricting the distributor's rights to forcing preferred playing time and allocating price classifications for pictures.

Short subjects are not to be forced as a condition for buying features. Unreasonable clearances are matters for arbitration.

But blockbooking as the accepted and sole method of picture selling is protected and fortified, notwithstanding more liberal cancellations and regulation. It is apparent that distributors are convinced that any radical change in selling policy would be unwise and economically unsound. This view is held despite the fact that millions in sales are in constant jeopardy under the cancellation revisions. The theory is, that the industry as a whole loses nothing by cancellations as some other picture owned by a competing company picks up the rental and playing time. A further answer is that exhibitors will be encouraged to overbuy and carry a cancellation reserve.

This allegiance to blockbooking might be more readily accepted if the industry's earnings over the past few years justified such faith in the whole principle of blockbooking.

Disregarding the arguments against blockbooking which are raised from time to time in public discussions of films, the question before the industry may be simplified to the proposition whether blockbooking encourages better standards of picture production. To that query there is only one answer: blockbooking by

reason of price average does not constitute an accurate gauge of the boxoffice or entertainment merit of individual films. Consequently, in the absence of good score-keeping, much mediocre or misdirected production effort continues in Hollywood month after month, year after year.

Pruning and purging unproductive personnel in the studios is essential to a strong and healthy industry. Blockbooking is a cloak which shields incompetence at the expense of efficiency. There are producing units in some of the major studios, which continue to turn out a low grade of pictures and justify themselves by pointing to sales figures which show profitable film rentals for their efforts.

Every sales executive in the business knows too well that under blockbooking the weak are carried along by the strong, and if pictures of the major companies were forced to stand on their own quality as attractions and entertainment there would be an explosion in Hollywood which would eliminate the drones and properly focus approval on the real creators.

Blockbooking survives because it offers a plan of least resistance in buying and selling, and furnishes a leveling of production talent. Considering the effort necessary to make good pictures outstanding films, it is a surprising fact that the group of consistently effective producers and directors in Hollywood do not demand a change in the prevailing order of things by insisting upon distributing and exhibiting methods which give a true and not a fictitious value to their work.

Blockbooking is the Moloch which consumes good, bad and indifferent output in its insatiable machinery. The wonder is not the scarcity of outstanding, smashing film hits, but that under the present system of industry operation there are any hits at all.

What encouragement is offered to creative talent to extend itself when the result in terms of boxoffice return and public excitement is already in the can before a picture is released?

There comes a time when the distributor has exhausted his top allocations under blockbooking contracts. The alternative is to give the picture a lesser rating than it deserves. The exhibitor, responding to the distributor's lack of belief in his subject, holds back on exploitation and advertising. The picture glides through the well-oiled routine of first, second and third runs, unheralded and unsung, and in due time the word seeps back to Hollywood that 'it did all right, but not very good.'

Handled with enthusiasm in its sales, distribution and public showings, and backed by the kind of spirited advertising it deserved and demanded, the picture would have touched high rental figures and its creators would have felt the urge to strive harder on their next production.

Prevailing complacency would be supplanted by vigorous showmanship, and financial rewards and prestige would be diverted to the rightful places.

There is need for self-regulation in the film business. Arbitration of trade disputes is a better and more economical means of reaching settlements than by long delayed and expensive lawsuits.

None of these expedients, however, is so important as showmanship, which can be encouraged only under a system which puts a premium on individual enterprise and freedom of action.

STRONG FINAL QUARTER SEEN

Net of \$4,622,091, So Far, for First 39 Weeks—Last Year, the Final Quarter Profit Hit \$3,718,221

THEATRES WILL HELP

Another strong final quarter, as was checked in last year, is expected to bolster 20th-Fox earnings for 1938 to \$7,500,000 and possibly higher. Wall Street estimates are that the company's final quarter will show net profit of \$2,600,000 to \$3,000,000, whether the last figure is reached depending on how well the National Theatres earnings hold up in the usually dull December weeks.

The net profit for 20th-Fox was reported as \$4,622,091 for the first 39 weeks this year, virtually the same as in 1937. However, the fourth quarter last year brought a total of \$3,718,221 and swelled the 12-month total to \$8,617,114. No such favorable results are anticipated this year for several reasons.

Probably the biggest item to cut into the final quarter report this year is the return from National Theatres Corp., in which 20th-Fox holds 42% interest. Net profit from theatre operations have been off during the past year, according to recent check. Earlier expectations that the film company would receive as high as \$1,000,000 from National have been trimmed ever since last September. Now only \$800,000 is expected, and it may run lower.

As with 1937, however, the salesmanship campaign is expected to bolster figures for the last quarter. Where less than \$2,000,000 might ordinarily be expected, latest indicated in Wall Street was that the net profit from film company operations might show as high as \$2,300,000. Such total takes into account usual year-end adjustments.

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INDEX

Advance Production Chart.....	19
Burlesque.....	52
Bills.....	55
Chatter.....	62
College Rhythm.....	49
Concert.....	50
Dance Bands.....	49-50
Exploitation.....	27
15 Years Ago.....	52
Film Booking Chart.....	29
Film Reviews.....	14-15
House Reviews.....	56-57
Inside—Legit.....	60
Inside—Music.....	50
Inside—Pictures.....	25
International News.....	17
Joe Laurie.....	6
Legitimate.....	50-61
Music.....	48-50
New Acts.....	54
Night Clubs.....	51-54
Obituary.....	63
Outdoors.....	63
Pictures.....	23-30
Radio.....	31-47
Radio Reviews.....	42
Showmanship Survey.....	31-38
Vaudeville.....	51-54

Schaefer Leaves Fri.

Hollywood, Dec. 13.
George J. Schaefer, RKO prexy, is remaining at the studio till Friday (16).

He planned a getaway today (Tues.) but studio biz is holding him here.

'Fighting Irish' for Foy

Hollywood, Dec. 13.
'The Fighting Irish,' dealing with Notre Dame, goes to the Bryan Foy unit at Warners.

Picture is being readied for release at the start of next year's football season.

'Wings' for Hubbard

Hollywood, Dec. 13.
Lucien Hubbard initials his producer contract at Metro with 'Wings Over the Desert.'

Harold Buckley, English war ace, comes over from London to screenplay his original.

TRIAL OF STOCKHOLDERS VS. LOEW'S ONE MORE WEEK; FACTS AND FIGURES

**Reis, Plaintiffs' Accountant, Stellar Discloser of Studio Salaries, Script Costs, Overhead, Etc.—
Kent on Stand—William Fox Next Week—Others**

William Fox, former head of Fox Films, will appear as a witness next Monday (18) in the trial of the consolidated stockholders suit for an accounting of the assets of Loew's, Inc., which has been going on for the past two weeks before N. Y. Supreme Court Justice Louis A. Valen. Fox was subpoenaed by Emil K. Ellis, chief counsel for the plaintiffs, through whom he seeks to show that not only his own concern but other biggies were promiscuous and lavish in the tossing around of coin during the 1920-1935 period.

Fox would have been called this week had it not been for the fact that he was in Washington in connection with the bankruptcy action in which he and his old outfit were concerned. A novel question arose on the announcement of his appearance in New York, being recalled that under a N.Y. federal court order handed down several months ago Fox was subject to the jurisdiction of the court in the N.Y. angle of the bankruptcy suit, if he should be found within 100 miles of the city. Since that time he has been careful in remaining in the vicinity of Atlantic City and Philadelphia.

With Bernard Reis, plaintiff's accountant, continuing on the stand yesterday (Tuesday), it was disclosed that the five major defendants, Louis B. Mayer, J. Robert Rubin, Nicholas M. Schenck, David Bernstein and Arthur Loew, split \$1,891,000 in 1937, and that they will be paid \$1,070,000 up to the end of this year. This figure is based on an estimated profit, as of Aug. 31, 1938, of approximately \$10,500,000.

Through the reading of Rubin's deposition it was revealed that the picture, 'Soviet', had not been issued because England had put a ban on it. This was one of the films which cost thousands in continuity, but failed to show on the screen.

Practically the entire day yesterday was consumed by the reading of depositions taken on the Coast of several of the defendants-directors.

Sam Katz 'Walks Into' \$3,000 a Week and 1/4%

Sam Katz's testimony, taken by deposition, was read off. Katz, who stated he had been "on the loose" for two years, walked into Nick Schenck's office one day, asked for a job and got it. In fact, he was given an assistant executive's job at \$3,000 a week and is the recipient of 1/4% of profits of Metro under the bonus arrangement. He is classified as a producer on the payroll list.

Katz figured that 3,500-4,000 employees on the Coast, exclusive of extras, draw down weekly about \$400,000. This was the "meat" of Katz's testimony. Thereafter, Ellis continued to try to show that, despite frequent absences of Mayer, Mannix and other associate defendants, the organization operated at high speed.

The testimony of William Parker, Charles C. Moskowitz and former Judge John N. Hazel for Loew's, was reviewed. It did not develop anything material.

Hunt Stromberg's deposition, which was referred to again, developed that during his 14 years with the company he had found all the producers "good." He then mentioned Sam Zim-brod and mentioned the picture, 'Navy Blue and Gold' as one of his outstanding pictures. Ostrow, who is producing the present 'Judge Hardy' series, according to Stromberg's deposition, recommended the work of Norman Krassna, Joseph L. Mankiewicz, and Louis D. Lighton, terming them as all fine producers. Jack Cummings and John W. Considine, Jr., were also held in the high brackets by the witness. Many others were favorably commended. According to Stromberg's deposition, he had purchased a story, 'The Foundling,' which was later shelved. The late Jean Harlow bought it from Metro, but since her death it is still unproduced.

Bernard Hyman is the one who figures that his \$2,000 and split on profits is not commensurate with his worth. He admitted that he was not satisfied with the 7/10% offered

him and that he has demanded more. Schenck and Mayer, however, told him that he could not get any more. Hyman thinks he is very valuable to the company as Myron LeRoy, according to his deposition, and should receive the same cut as LeRoy, whose \$300,000 annual salary was reviewed at last Friday's session and is further detailed here.

This concluded the day's testimony, with Reis to continue on the stand today (Wednesday), reading contracts, and the attorneys referring to the various depositions.

High Cost of Film

Scripts Detailed

The high cost and output of cash on the rights and stories which never see the light of day on the screen was given in detail Monday. Bernard Reis, accountant for the suing stockholders, continuing on the stand to explain the records of the company as far back as 1917. It developed that over \$9,000,000 had been spent on books, copyrights and continuity work on stories which never were produced. A review of Reis' testimony for the day, brought out under the coaching of Emil K. Ellis, emphasized that the total assets of Loew's, as of Aug. 31, 1937, were \$142,544,000. Its surplus as of August, 1931, was \$33,716,000 as against \$44,354,000 in 1937.

Capital structure rose from \$43,758,000 in 1924 to \$130,065,000 in 1937. An interesting item is that Loew's paid out a total for books and rights from 1917 to 1937 of \$5,346,000, exclusive of spending \$3,743,000 for continuity work.

In detailing this huge expenditure Reis read from the records of the corporation's accountants the purchase of 26 books from Sam Goldwyn for \$183,000 which never resulted in pictures. Also that the company lost \$341,000 in their Comar investment in Gordon and Sam Harris deal, which covered the period from 1934 to 1937.

As to the production costs of pictures, and the profits and losses, it was revealed that 'Ben-Hur' cost \$4,327,000 and had a net loss of \$390,000. As to Norma Shearer's picture, 'Marie Antoinette,' it was advanced that the rights had been purchased for only \$12,500, but cost over \$420,000 in the continuity preparation alone. 'Bugle Sounds,' another which up to the present has not appeared on the screen, has cost \$457,000 in pre-production overhead.

Also Marion Davies was paid \$150,000 for a picture she never made. Under an agreement with Cosmopolitan Pictures, Miss Davies was to do three pictures for Metro release. She made two but was paid for the third, the cost allegedly being booked against another picture, 'Geist Hollywood,' in which she had no part. 'Maytime,' which had been budgeted by Irving Thalberg to cost \$1,057,074, finally was completed by Hunt Stromberg, after Thalberg's death, at a total outlay of \$2,119,000, the testimony continued.

Proskauer Scouts

Settlement Talk

During the trial a persistent rumor had it that a settlement, variously set at \$1,000,000 to \$1,500,000, was being discussed. Chief defense counsel, former N.Y. Supreme Court Justice Joseph N. Proskauer, emphatically denied any truth to the report. 'This case is going to the finish,' he said. Reis told of another story titled, 'Tish,' on which \$181,000 has been spent but so far has never been made. From 1934 to 1937 it was shown that of 170 pictures produced, only nine were stories over three years old. Metro had kept 'Prisoner of Zenda' on its list at the cost of \$158,000 and then sold it to Selznick International for \$100,000. The rights to the story only cost Loew's \$30,000.

The general yearly overhead of Metro, according to the company's accountants, as read into the court record, is approximately \$4,805,000. This sum is split up by the various departments, and does not include the amounts received by the 11 de-

(Continued on page 30)

H'WOOD HANDOUT

Free Xmas Cheer by Three Hotels For Vine Streeters

Hollywood, Dec. 13.

Old 1938 is going out in a blaze of Tom and Jerry served free to the vaudevillians who hang around the curb at Hollywood and Vine. The Plaza, Knickerbocker and Roosevelt hotels are handing it out from 3 to 6 p.m., from Dec. 26 to the end of the year.

Tournament is open to all comers, but repeaters will be refused if they repeat too often. Vauders will be restricted to two-a-day.

The Plaza, across the street from the thespian hangout, and the Knickerbocker, just around the corner, are due for a heavy play. The Roosevelt is too far to walk, even for a drink on the house. Stunt is promoted by Nick Knickerbocker.

EPES SARGENT, 'CHICOT,' DIES AT 66

Last night (Tuesday) VARIETY went to press without Epes Winthrop Sargent (Chic). A week ago last night, Dec. 6, this paper went to press with Sargent at his accustomed tasks. A few hours later, at his home in Brooklyn, he keeled over in a faint. A doctor pronounced him as having died almost immediately, with hemorrhage of the stomach, ascribed as the cause. He was 66 years old.

Sargent was on the original staff of VARIETY 33 years ago. He was then known as Chicot for his vaudeville and general show criticisms. Through the years Sargent had been a press agent for the Proctor theatres, with William Morris, with J. Stuart Blackton's old Vitagraph picture firm as author, scenario writer and editor; a working newspaperman on all sorts of musical and trade publications, and finally back on VARIETY, where he had been uninterrupted the past 10 years.

A large man in stature, a chronic liver ailment necessitated a strict diet the past three years. Diabetes was another complication. But despite this, Sargent insisted on maintaining a regular, if crated, working schedule. In a letter left to his wife, Mrs. Evelyn Sargent, married for 29 years, Sargent insisted on a single prayer at simple Masonic services, and cremation. Services were held Friday night (9). Besides his widow, a son, Epes, Jr., formerly with CBS in Chicago, and a sister, Miss Lucy K. Sargent of Troy, N. Y., survive. The boy now intends to go into business in the east.

Was an Usher

Born in Nassau, Bahamas, Sargent's family came to the States in 1878 on his father's 28th round trip. Later was a pineapple trader.

Sargent's first job in show business was as an usher at Pat Harris' Bijou in Washington at \$3 a week. Later, from the Musical Courier, at James G. Huneker's recommendation, he went to the Dramatic News under Leander Richardson, and was also with the latter on the old Morning Telegraph. A succession of musical journal and vaudeville trade paper jobs followed, and in this wise he came to VARIETY. Sargent then left this paper to start his own Chicot's Weekly.

His nom-de-plume of Chicot was born on the old Telegraph. Later on this by-line was to be the subject of litigation when Chicot took himself over to VARIETY, but the Telegraph's attorneys conceded to the logic of Sargent's lawyer as to priority.

Cooper's 'Gest' Remake

Hollywood, Dec. 13.

Paramount has cast Gary Cooper for the lead in a remake of 'Beau Gest.'

William Wellman directs from Robert Carson's script.

U. S. Going Ahead With Suit

Washington, Dec. 13.

Sources close to the D. of J. report that industry legal lights have sounded out the Government with respect to ascertaining what procedure it would take if producers-distributors-exhibitors come to a complete agreement and understanding on conciliation, arbitration and other trade practices.

Inference was made by industry spokesmen that the trade practice agreement, subject to further changes, will be accepted generally, and now seek to ascertain if industry self-regulation would satisfy the Government.

No direct answer was forthcoming, but it appears the Government will proceed with its monopoly suit, regardless of what the industry does.

No Decision on Trade Practice Program Until After First of Yr.

DIETRICH PIC DEAL WASHED UP BY COL.

Hollywood, Dec. 13.

Marlene Dietrich and Columbia called off their one-picture deal by amicable agreement. Actress had been slated to play in 'Chopin' for Frank Capra, who is now busy with 'The Gentleman from Montana.'

Miss Dietrich promised to return to the studio if Capra decides to make 'Chopin' later. She is under contract to make a picture in France next spring.

Gimp Snyder Goes To Trial on Coast In Shooting Scrape

Los Angeles, Dec. 13.

Various warlike and romantic affairs in the life of Martin (Col. Gimp) Snyder are being laid before a 50-50 jury of men and women this week in superior court, with a cast of witnesses topped by his one-time wife, Ruth Etting. John Law is pointing an accusing finger at Col. Gimp, charging him with kidnaping, attempted murder and possession of a rose in violation of the California statutes. The Colonel is under \$40,000 bail while the trial lasts. Trial started Monday (12).

Specifically the state is trying to prove that Snyder kidnaped Myrl Alderman, Miss Etting's piano accompanist, last Oct. 15, and tossed a lead slug into him in Miss Etting's Hollywood mansion in the presence of the said Miss Etting and his own daughter by a former wife, Edith Snyder.

On the jury are six housewives and six men, including an accountant, a mechanic for an oil company, a bank teller, a vegetable dealer and two manufacturers. The jurors were approved as 'fair-proof' by Snyder and his attorney, Jerry Geisler.

Chief witnesses for the prosecution, conducted by assistant D.A. Eugene U. Black, are Miss Etting and Miss Snyder. The Col. is depending on a plea of self-defense, which may free him or send him to the big house for any number of years up to 115. There are six counts in the indictment.

Miss Etting on the Stand

Ruth Etting took the witness stand against Snyder the first day of the trial on Monday (12). She testified that before their divorce last year she gave him half of all she earned, which included \$50,000 cash, a half interest in their Beverly Hills home and stocks and bonds. He charged she held out on property she inherited from her father.

Prosecution expects to score on Snyder's asserted remarks, 'Got business with the Etting dame tonight' and 'I've had my revenge.'

Defense attorney Jerry Geisler said he will prove Alderman had a gun and was ready to use it when Snyder fired. Geisler told how Snyder quit a \$350 a week job with the Chicago district attorney to develop Miss Etting and help her build her career when he was making only \$50 a week. He added, 'He used his influence with Chicago officials and around City Hall to get her jobs. He advanced her from the old Marigold Gardens to the Paris Cafe and got her up to \$150 a week. He plugged her so strong that folks around town gave her the nickname of 'Miss City'

Any further action on a trade practices program, until after the first of the year, is not looked for, pending close study of the first draft sent 10 leading exhibitor organizations.

No decisions can be reached by the two leading national bodies, Motion Picture Theatre Owners of America and Allied States Assn., until some time after the holidays. Ed Kuykendall, who does not believe there will be a full session of the MPTOA board until after Jan. 1, left Friday (9) for Memphis to attend the Tri-States convention of theatre owners there Sunday and Monday (11-12). He goes on to Columbus, Miss., his home, from there and will not be back in New York until after New Year's.

Meantime, he has sent copies of the trade practice draft worked out by the distributors to each of the members of the MPTOA board for individual study, pending the calling of a meeting of the directorate. Kuykendall expressed himself on one point prior to leaving for Memphis, indicating that one thing the MPTOA members are positive about is that the trade practice reforms should be placed into effect at the earliest possible date, rather than be deferred until the 1939-40 selling season.

He said, 'The board of directors of the MPTOA at the national convention in Oklahoma City were unanimous in their insistence that these trade practice adjustments should become effective immediately and I cannot conceive the sincerity of any individual or group who harass and delay, in any way whatsoever, the consummation of these proposals, when so many exhibitors all over the country are in dire need of immediate relief.'

Studio Contracts

Hollywood, Dec. 13.

Ray McCarey signed new director contract at Warners.

Morton Lowry inked actor pact at Warners.

Metro lifted Spanky MacFarland's option.

Dalton Trumbo penned writer ticket at RKO.

Warners hoisted George Brent's option.

Commodore Pictures pacted Kurt Siodmak, scenario editor.

Universal signed Hally Chester to two-picture deal.

Billy Gilbert signed to write series of shorts at Metro.

Warners handed new tickets to Gabriel Dell and Hume Hall.

Republic picked up director option on George Nicholls, Jr.

Dan Kelley's casting director contract renewed at Universal.

Metro pacted Laraine Johnson, schoolgirl player.

Universal lifted Frank Skinner's composer option.

Warners renewed James Stephenson's pact.

GILLHAM EAST

Hollywood, Dec. 13.

Robert Gillham is returning east after 10 days at the studio.

Hall, because he got so many favors for her there.

On the stand again yesterday (Tuesday), Miss Etting testified of events leading up to the shooting the evening it occurred in Alderman's home. She declared Alderman was marched into his home at gun-point at the time she and Edith Snyder arrived there. She described the scene in the house which culminated in the wounding of Alderman.

SCRIBE PACTS DRAW FIRE

A MISTAKEN MOVE

Last week in Hollywood several film players held a meeting to formulate a plan which would submit a petition to President Roosevelt asking that this Government declare an official boycott on trade with Germany. The intention is to obtain hundreds of thousands, possibly millions, of signatures by passing the petition among the picture theatres of this country.

It is sincere but mistaken zeal. We would like to see it work, but it won't. An attempt to launch a boycott having any sort of official stamp is certain to meet a burst of protest from the press and other sources. Already more than a small share of the press of this country is looking askance at the Government's policy in regard to Germany, asking how far it is going to go. Nor are all the questions coming from Republican papers. It is an indication that there has been enough talk, enough protest meetings, enough name calling in the press and on the air. It is an indication that further concerted agitation can bring on the alienation of the sympathy of this country.

The matter of boycott is one for decision by the individual. Washington has gone as far as it can in expressing the protest of the American people, short of breaking off relations. Has gone about as far as the majority here probably wants it to go. This factor must be considered.

There will be numberless opportunities to contribute for those actors who wish to do something. They can easily anticipate the benefits they will be asked to play when it comes time to raise money for the refugees. Theatre men will have the chance to turn over their theatres free of charge. But these same theatre men will be making a grievous error if they permit solicitation of boycott signatures in their houses. The movement can bear no fruit and public resentment is likely to be heavy.

The important phase of this part of the American-German situation today is wrapped up in three questions:

How are these people to be gotten out of Germany? Where are they to go? And who's going to pay for it?

Films Interested in Patriotic Playlets for a Series of Shorts

Series of patriotic playlets, to be issued soon by the Dramatists Play Service, Inc., may be filmed as short subjects by one of the major studios. Metro, Warners and Paramount have all asked for a look at the scripts, which will be forwarded when ready. Playlets might be sold in a group to one of the companies or individually to different outfits, depending on the terms offered.

Possibility of a film deal for the scripts was unexpected by the DPS and the authors involved. Original idea was to offer the playlets on a royalty-free basis to schools for classroom and auditorium presentation. Purpose was to instill American ideals of democracy into U. S. school children. It was thought that an advance royalty of \$200 apiece, provided by the Theodore Roosevelt Memorial Assn. and other patriotic and educational groups, would be the authors' only remuneration. Incidentally in writing the pieces was solely patriotic.

First four of the playlets, to be released within a couple of weeks, are Dan Totheroh's 'Seeing the Elephant', Stanley Young's 'Ship Forever Sailing', E. P. Conkle's 'Elijah Lovejoy' and Lynn Riggs' 'Side-Track'. Other playwrights who expect to contribute pieces include Paul Green, Merrill Denison, John Farrar, Ridgely Torrance, Melvyn Levy and probably Elmer Rice. All the playlets will be based on incidents in American history.

Small Sues Smith

Suit for \$10,900 was filed by Small Co. against C. Aubrey Smith, claiming 10% of the actor's earnings under a contract with Selznick-International.

Agency declares it arranged the S-1 pact, but Smith waited until his managerial contract had expired before accepting the studio job, for the purpose of avoiding payment of commissions.

Hollywood, Dec. 13.

RESERVE DECISION AGAIN IN RKO CASE

Status of the RKO reorganization plan at present is 'non vult' or, in plain English, it will happen when Federal Judge William Bondy on Friday (9) reserved decision on the motion of Hamilton C. Rickaby, counsel for the Atlas Corp., chief proponent of the plan to call off an order by Federal Judge Cox of last June under which consent to reorganize must be backed up by their certificates. Judge Cox's order was in line with a decision handed down previously involving the Chandler amendment to the Bankruptcy Act.

William S. Stover, representing Ernest W. Stirm, a Milwaukee holder of 1,234 shares of RKO stock, is the only outstanding opponent to the plan. He claims that under the previous ruling the plan, although it has the majority of consents, is not legal unless the consents are backed up by the actual holders of certificates, and not through proxies.

Foran Stalls 20th Pic For More Vaude Dates

Dick Foran has again deferred his return to the Coast for a picture commitment to pick up more personals. Foran is booked for the State-Lake, Chi., week of Dec. 23, four days in Troy, Dec. 30-31 and Jan. 1 and 2, and Loew's State, N. Y., week of Jan. 5.

Following the State date he leaves for the Coast, so he says, to fulfill the 20th Century-Fox call.

U Sigs Arlen

Hollywood, Dec. 13. Universal has put Richard Arlen under term contract. He will make six pictures yearly.

SP ARBITRATION RANKLES GUILD

SWG Orders Rider to Contracts Certifying to Sigs Under Protest—Clash Over Credits—Extend Maximum on Agent-Player Deals

EXTRAS' 60G WEEK

Hollywood, Dec. 13. Screen Writers Guild has clashed with executives of major film companies over the form of contract the screenwriters are required to sign. SWG tops have instructed members to ink contracts when renewals are offered, but to attach a rider stating that they are signing under protest with reference to clause requiring arbitration by Screen Playwrights, Inc., of any disputes over screen credits.

Support of Authors League of America, whose members furnish story material to studios, may be sought by SWG in an effort to force elimination of this clause from contract. Formal protest has been lodged with producers and situation called to attention of the National Labor Relations Board.

SP provision in contracts was discovered by Mary McCall, Jr., when she checked in at Metro. Writer objected to signing unless clause was eliminated, but claims executives refused and stated that if he did not care to sign there were plenty of writers who would and who also would be 'friendly to the Playwrights'.

Miss McCall appeared before executive board of SWG and recommended that some action be taken to protest clause. Letter rider was then drawn and approved by Leonard S. Janofsky, counsel for Guild. This rider is being sent to company heads by all writers who sign new contracts or ink renewals. Henry Myers deleted the clause when contract was tendered to him at Paramount. Thirty minutes later he received a call from his agent asking what all the shouting was about. Myers insisted that was the way he felt, so what. Executives pleaded they might be sued by the SP. Myers finally agreed to sign with the clause in, but insisted it be shown that he was doing so under protest.

SWG points out that organization (Continued on page 23)

20-FOX STEPS UP PROD., AS DO PAR, RKO

Hollywood, Dec. 13. To prevent a production lull down next month, Darryl Zanuck added four pictures to the five regularly slated to start in January at 20th-Fox. 'Alexander Graham Bell' gets the gun Jan. 3; 'Return of the Cisco Kid' and 'Stanley and Livingstone' start Jan. 16, and the fourth of the Jane Withers series goes Jan. 23.

Previously assigned to January starts are 'Dude Ranch', 'East Side West Side' and 'Charlie Chan in Reno', Jan. 3; 'Susannah of the Mounties' and 'Rose of Washington Square', Jan. 16.

Sol Wurtzel will have only four more to make on his 1938-39 schedule after Christmas. One of them is 'Take Her Down', starring the Ritz Bros.

Par and RKO Too

In keeping with the general trend toward stepping up winter production, Paramount and RKO advanced

GB Washes Up Own U. S. Selling Org., 20th-Fox to Handle All English Films

Overhead—25c

Hollywood, Dec. 13. RKO studio workers are not so sure now that Doug Corrigan does everything the wrong way. The other day the director told the Flying Irishman there was a night shooting scheduled.

He shot back, 'I've been working all day, and am not going without supper.'

Corrigan finally consented to grab a feed outside, providing the studio picked up the tab. Bill amounted to two bits.

KORDA WEST TO HUDDLE UA EXECS

Alexander Korda, arrived from England to discuss production matters with United Artists board of directors, has set four pictures for 1939-40 — Kipling's 'Jungle Book', 'Thief of Bagdad', and two with Merle Oberon, one of which is to be 'Pocahontas'. 'Four Feathers' now being completed, and to have been released on Korda's 38-39 program will go out next season, making five altogether. He leaves for the Coast later for talks with Sam Goldwyn, Dave Selznick and Jack Whitney.

The four pictures scheduled are budgeted at a total of between \$3,000,000 and \$4,000,000. Regarding possibility of production in Hollywood, previously announced by Murray Silverstone, Korda was not altogether certain that he will produce in America, but if it is decided that he will, the picture will be 'Pocahontas'. Shooting would start next June, and in any event some exteriors will be filmed in Virginia in May.

Korda is accompanied to New York by C. H. Browne, attorney for Prudential Assurance of England, principal financial backers of London Films Productions and the Denham Studios. Browne is extremely reticent as to the reason for his first visit to America, other than being legal advisor to Korda, on production matters and to participate in various 'formalities' Korda took up at the board meeting Saturday (10), and possibly at forthcoming stockholders meeting on the Coast early in January, if Korda stays in the U. S. that long.

Korda denies that a previous proposal of Samuel Goldwyn and Korda to purchase control of United Artists would come up again for discussion, as well as intimations that Browne's presence here had anything to do with that matter which is now permanently cold.

Irvy Asher, associated with Korda in London Films, is coming to New York in January to discuss deal for a series of quota pictures Columbia Pictures intends to produce at Denham.

Korda returns to London by the middle of January to start on 'Thief of Bagdad.'

13 pictures to the January shooting schedule.

With only 15 more features to make for the 1938-39 program, Par is sending seven of them into work before Jan. 15. RKO is putting six into production during the first 30 days of the new year.

With 14 of its 42 scheduled features completed, Monogram has eight writers at work on as many stories to insure continued production. Scribner Scott Darling, Ray Trampe, Robert Andrews, John T. Neville, William Nolte, Robert Emmett, Marion Orth and Harvey Gates.

Business of Gaumont-British Pictures Corp. of America was officially washed up in this country after four years' operation under general management of Arthur A. Lee, v.p. of the U. S. company. GB was a distributing and exchange organization, started by Gaumont-British to establish a foothold in the U. S. after realization that its scope of distribution here was extremely limited without own sales organization and branch offices.

New distributing arrangement was concluded last Thursday (8) between S. R. Kent and Lee. Starting Monday (12), all GB pictures, in the interests of economy, are being sold by the 20th-Fox sales organization. Of 24 pictures announced by GB for distribution here in '38-39, 12 have been delivered. Remaining 12 will come via 20th-Fox exchanges.

About 100 GB employees were effected by the takeover. Field force in exchanges was merged with last week and others received notice on Friday (9). Status of Lee, Clinton M. White, assistant g.m., and Arthur Greenblatt, eastern division manager, is uncertain. Officially they were off GB payroll as of Dec. 9, with the exception of Lee whose contract runs almost another year.

Question of sales supervision, okaying of GB contracts is officially in the dark but inference is that since GB Pictures Corp. of America is retaining its corporate identity, and to all intents and purposes not going out of business, contracts hereafter will get Lee's once-over.

\$10,000,000 in Four Years

Understanding is 20th-Fox also undertook to pay all outstanding obligations of GB, checks going out Friday (9). Approximate total gross sales from this company here was organized September, 1934, totaled \$10,000,000.

Original intention was to establish its own system of exchanges. Deciding to go slow, however, agreement without any specific contract was worked out with S. R. Kent, president of 20th-Fox, whereby latter would handle physical distribution with a GB sales staff to handle actual sales. Basis of deal is said not to have involved more than 10% charge against grosses of GB product for handling. Understanding in general was that 20th-Fox, being 49% stockholders in GB, the parent corporation in England, would extend every assistance to the American subsidiary in getting it established over here, with or without a contract.

The arrangement existed until several weeks ago when actual booking of GB product was taken over by 20th-Fox exchanges in more than half of 31 exchange centers. It had become evident to the trade for some time that business of GB of America could not be established on a paying basis and reports of a complete takeover of distribution circulated this past fall.

Executives of GB distribution department, as long ago as 1937, indicated the regular consistency sales of British films had proven unsuccessful, as far as obtaining bookings was concerned, and predicted that drastic consequences would result if distribution here were continued with its own booking and sales staffs.

Terms of GB's new arrangement with 20th-Fox are secret for the time being, but it is unofficially estimated GB will pay somewhere in the neighborhood of 35% for distribution. While 12 more pictures will be delivered by GB for balance of this season, there are also reports that 20th-Fox will not distribute all of them and may only select four or five outstanding films to handle.

Minneapolis, Dec. 13.

As result of 20th-Fox taking over distribution of GB pictures, Max Mazur, local GB branch manager, is returning to Chicago. He plans to meet the premium business.

No Par Takeover of Fox, Detroit, Right Now; Partner Product Deals

It is reported unlikely, partly because of the pending U. S. anti-trust suit declaring for divorcement of theatres, that George E. Trendle and Par will go through on a deal to take over the Fox, Detroit, from the Skouras-20th Fox interests. Such a deal has been talked of for some time. Trendle, in New York during the past week, did not come on to discuss anything further in connection with a possible takeover of the Fox. He was in merely on product deals, including Par.

Tracy Barham, who operates Ohio and Kentucky theatres for Par arrives today (Wed.) on loose ends of film deals, while Ed Beatty, g.m. of the Butterfield circuit, also coming on. Nate Goldstein, western Massachusetts operator for Par, got in yesterday (Tues.).

Leon Netter, h.o. theatre executive, leaves today (Wed.) or tomorrow for Durham, N. C. to attend a board meeting of one of the Kinney-Wilby chains, North Carolina theatres, Inc.

Other Product Deals

United Artists has closed with Balaban & Katz and the Great States circuit, covering 75 key runs in the Chicago territory. Walter Immerman acted for B&K, L. J. Schlaifer for U.A.

James R. Grainger, now in St. Louis, has signed a deal providing first-run representation for Republic pictures with Fanchon & Marco in St. Louis. This will give Rep the best representation in that key it has had.

Lucas & Jenkins, circuit in Georgia, a Paramount affiliate, has signed for the Republic '38-39 product for a total of 37 theatres. Negotiations on the deal, started by J. R. Grainger on a recent visit to Atlanta, was held up due to the illness of William K. Jenkins until now.

Mono's Al Jennings Pic a Remake for Ray Johnston; Done in '14

Oklahoma City, Dec. 13. W. Ray Johnston, Monogram Pictures Corp. president, was in Oklahoma City last week discussing plans for filming the life of Al Jennings, notorious Oklahoma outlaw, with most of the shooting to be done in the state. According to Johnston, production has been under consideration for more than a year, and Jennings, now in his 70's, will write part of the story at his Hollywood home.

In 1914 Johnston, then with the old Thanhouser Pictures Co., filmed Jennings' story, with Jennings playing the lead. "He was a better outlaw than an actor," the Monogram president recalled. "Being with professional actors made him look worse."

Jennings topped off his bank robbing career by almost being elected governor of Oklahoma after completing his prison term.

Par's Separate Selling

On British 'Beachcomber' Largely because Paramount is selling 'Beachcomber' separately rather than deliver it to accounts under this year's contract, the company has decided to withhold national release to enable such selling until as late as March or April. There may be some pre-release engagements meantime, however.

Picture has been set for a first-run in New York at the Rivoli for showing on pre-release, starting Xmas eve. Par has 'Beachcomber' only for the U. S. and Canada. It has already been released in Great Britain.

Wooing the Latins

Hollywood, Dec. 13. Play for South American friendship is the object of 'The Monroe Doctrine,' second of four-reel Technicolor patriotic series at Warners, to be shot in English and Spanish.

Bryan Foy is producing, Gordon Hollingshead supervising and John Lital in the role of President James Monroe.

Singer O. O's Atlanta

Atlanta, Dec. 13. Mort Singer, circuit operator from Chicago, is reported interested in a downtown theatre here and has looked over several situations. Singer has a house in New Orleans.

Powell-Blondell Bow Out of Warner Studio

Hollywood, Dec. 13. Two Warner standbys of seven years standing, Dick Powell and his wife, Joan Blondell, depart the studio on completion of their current films.

Both take a long vacation before tying up with another plant.

LOMBARD, LLOYD OUT AS PAR 'SPECIALS'

Hollywood, Dec. 13. Carole Lombard dropped from Paramount's special contract list with the departure of Adolph Zukor, with whom she had a verbal agreement to make a picture if a suitable story could be found. This was to be on a profit-sharing basis. However, Par would still like her for 'The Light That Failed,' which William Wellman will produce and direct. Meantime she has shifted over to RKO on a percentage deal.

Others expunged from the special roster were Harold Lloyd, who hasn't decided when he'll start his next picture, and Louise Platt, carried under a loan option from Walter Wanger. Erased from the regular contract list were Barry Mackay, Jean Fenwick and Archie Twitchell.

Five writers dropped from the Par rolls were C. Gardner Sullivan, Zoe Akins, Stuart Palmer, Brian Marlow and Beatrice Jones.

Mrs. Marston's Illness Further Stalls 4As 'One Big Union' Idea

Contrary to expectations, little progress toward revision of the Associated Actors and Artists of America constitution was made at the special meeting of the organization's board last Wednesday (7) in New York. It had been planned to consider the matter at that session, but the sudden illness the night before. (Tuesday) of Mrs. Florence Marston deferred it. As eastern representative of the Screen Actors Guild, Mrs. Marston is usually spokesman for the largest single voting unit in the organization.

Although no definite progress toward revision was made, the meeting officials of the various Four A's member groups have generally agreed on the broad outlines of a plan for consolidation of administrations and offices. Extent of the changes and the method for putting them into effect are the involved problems remaining to be worked out.

In general, the changes call for merging offices and administrations of the various Four A's groups in all cities throughout the country, for a joint treasury and bookkeeping system, a single membership card and only one set of dues. Difference of opinion remains as to the immediate urgency of the plan, as well as to the extent to which it should be carried. Figured likely, however, that the various changes will be carried out gradually and steadily over a period of years and will be extended as far as constant experiment and the wishes of the memberships dictate.

American Federation of Radio Artists, which already has numerous branch offices throughout the country and would therefore profit most by sharing such expense, took the first actual step in putting the consolidation plan into effect by passing at its recent St. Louis convention a resolution favoring the idea.

Kenneth Thompson, SAG executive secretary and Four A's vice-president, who was east for a week on various matters pertaining to the groups, planned back to the Coast last Friday (9). He is due to return in February.

Cornelia's Pic Nix

Hollywood, Dec. 13. Cornelia Otis Skinner turned down a one-picture deal from Metro, after close of her current tour in Los Angeles, Dec. 17.

Actress, told studio, she is interested only in stage and radio.

An Exchange Mgr. Wears a Worried Look on the Exhib's Face, Sez Lefty

By Joe Laurie, Jr.

Hollywood, Dec. 13.

Dear Joe:

Well, this looks like our last week in Hollywood as we gotta go back to Coolacres, for, according to the statements I'm getting from Vic, the cash register isn't getting any hot-box. It seems that Hollywood has its forest fires, the middle west its tornados, New York its snowstorms and Copacabana its bad pictures. Not that I think me being there is going to help things any, or that I think Vic is knocking down any dough, but a business man always feels better when he isn't doing business, to do it personally; then he is sure.

I went to see the manager of the Exchange here from whom I get my by-products of the picture business, and spoke to him about getting some decent pictures and he said he's holding the good stuff back until after the holidays. He didn't say what holidays. You know an Exchange manager is a guy who wears a worried look on the exhibitor's face. I think I am going to give him a decent amount of a forehead for Christmas.

Aggie and Junior are a little tired of the place here. It's like living in a big candy box; everything's got tinsel on it. Junior has seen so many parades with Santa Claus that the poor kid thinks it's a musical comedy. It all looks like a roadshow of 'Blossom Time' only with cleaner costumes. It's gonna be tough on me on Christmas when I dress up like Santa Claus to give the kid a thrill. Aggie sez he'll forget all about it by then—kids are that way. Well, if they are they got it on us grownups. We never forget anything, which you can tell if you listen to radio.

It's been very warm here but there are still a lot of actors who think in front of the Palace is a warmer spot, even with a snowstorm. Everybody seems to go home early here. Hollywood and Vine after 10 o'clock at night is as lively as an uncoupled grave. Maybe people go home here early because they have nice homes to go to. The guys in New York stay out of their hotel cells as long as possible; that's why you see them around nights. They'll do anything to keep from going back to the hotel to find the plug key in the lock.

That Old Gang of Lefty's

Plenty of nice guys around here too. I met Harry Conn who always has a good laugh for you; Nella Walker of Mack and Walker (the first bench act), and she looks beautiful. Jackie Cooper is a swell kid, on and off. Jimmy Conlin and Cliff Hall are doing a wovv radio program, Gus Edwards, who has been alling, is looking swell and getting along fine. Walter Donaldson is still knocking out song hits. Solly Violsky, who is top wit around here, sez he's laid off under three presidents and a lot of people think it's only 12 years, but they forget that one president served two terms. Then there's guys like Lew Hearn, Abe Rosenfeld, Jim Carson, Skins Miller, Buck Mack, Herb Ashley, Charlie Foy, Bill Morrissey, Harry Lang, Joe Goodwin, Tommy Dugan. They're always a laugh and they talk my language. It's like meeting an American in Youngstown. They gave Marguerite Young a night at Grace Hayes' place. Grace has one of the real hot spots in town and everybody from the old days of vaudeville was there. They all had that faraway Palace-look in their eyes and the Palace talent in their souls.

Of course Hollywood has a lot of professional 'nice-guys' who go around with porcelain smiles for the right people. They can smell working actor a block away and go out of their way to meet him, even if he only signed a verbal contract. They give him the teeth and a hearty handshake of three fingers. Although every town has those kind of guys it seems the sun here seems to bring it out more.

Well, that's about all I have to point at you this week. I did my Christmas shopping already. I got Aggie's present; Woolworth agreed about the down payment. Remember me to the gang, and as one dope flend sez to the other, my best twitches to you. See you pal.

Lefty.

P. S. Arthur Caesar sez: 'To write a song hit you take something composed by one of the old masters and decompose it.'

ROSE LOSES 4 TIMES IN SUIT VS. METRO

Henry Rose, who is suing Metro and affiliated companies for infringement in connection with the film, 'Man of the People,' lost out on four preliminary skirmishes in the N. Y. federal court last week. Three motions he made were each turned down, while a plea submitted by the defendants was granted. Rose claims that the story of 'People' was pirated from a yarn of his, 'Burrow, Burrow.'

His first motion, which Federal Judge Samuel Mandelbaum heard and vetoed, sought to have Metro produce its records showing who submitted the story of 'People' and who had worked on the preparation of the shooting script. Also correspondence disclosing other authorship claims, if any.

Rose's other applications came before Judge Alfred C. Cox, after Judge William Bondy had approved Metro's petition that it be permitted to take depositions of six witnesses, or that many producing companies, for the purpose of showing that a story of the same theme in 1933. In his initial motion before Judge Cox, Rose asked that the interrogatories that Metro had prepared for the deposition be stricken, and, when this failed, he applied for a reargument of the motion, which likewise was nixed. Julian T. Abeles appeared for Metro.

WB Reelects Directors

Samuel Carlisle, Stanleigh P. Friedman, Sam E. Morris, Morris Wolf and Charles S. Guggenheimer were reelected Warner Bros. directors for the next two years at the annual meeting of common stockholders Monday (12) at Wilmington, Del.

Other business transacted was of routine nature.

Theatre Man May Live Despite His 17-Story Tumble

Dr. Konstantine Kostan, associated with his father-in-law, Michael Manos, operator of a chain of picture houses in Pennsylvania-West Virginia, and a resident of Elkins, W. Va., fell down an open elevator shaft of the Hotel Piccadilly in Times Square Monday (12) afternoon and is seriously hurt in the Roosevelt hospital. By clinging tenaciously to the elevator cable, he probably saved his life but suffered fractures of both legs, possible internal injuries and his hands are seared to the bone from the friction of the steel cable.

Two blood transfusions were administered in an effort to avoid amputating his right leg. His condition is fair. Dr. Kostan, 29, came to America from Greece about two years ago.

His screams as he unwittingly stepped into the open lift saved his mother-in-law, Mrs. Kalliope Manos, of Greensburg, Pa., from following him into a similar catastrophic situation.

'Life' Cast's Tests

Paramount is testing Ezra Stone and other members of the 'What a Life' cast in New York for parts in the celluloid version of the Broadway play.

Film is set for summer production.

Sgt. Beery

Hollywood, Dec. 13. Wallace Beery's next starring picture and J. Walter Ruben's first production at Metro is 'Sergeant Madden' dealing with the New York police.

Josef von Sternberg is assigned to direct from Wells Root's script of a novel by William A. Ullman, Jr.

Netco Chain Follows B&K on Group Insurance; Others May Follow

Group insurance similar to that which Balaban & Katz has taken for its employees is being set up by the Netco circuit, embracing Paramount's New York State theatres, and may be followed by all-over protection for personnel by other chains. Netco is operated for Paramount by George Walsh, who about six months ago took out hospitalization for his chain's employees.

Walsh is taking insurance that will range from a minimum of \$1,000 coverage up to \$10,000, based on earnings. A total of 164 employees are involved, and the insurance, written with two large companies, will run to around \$400,000. Equitable, which through its Chicago office handled B&K, is writing the group life insurance for the Walsh chain, while Aetna is writing the group accident and health policies.

While B&K is shouldering the burden of premiums on its insurance, aggregating coverage of approximately \$6,000,000, Walsh plans taking care of the Chicago office, handling a 10c service charge on passes. In neither case does the insurance cost the employee anything.

The B&K policies cover around 2,200 persons working for that circuit as well as for Great States, which B&K controls. Equitable states that this policy is the first quadruple group insurance that is paid for completely by the employer. A maximum coverage of \$2,500 for any one person is involved.

Paramount Pictures, Inc., parent company, has group insurance which is paid for by employees subscribing to it.

B&K Policy

Chicago, Dec. 13. Balaban & Katz company has taken out a blanket insurance policy covering all of its employees. Insurance includes life, health and accident and takes in every one from the top executives to the ushers in the smallest nabe house. Total insurance policy is for \$6,000,000.

Individual policies range from \$500 minimum to \$2,500 maximum depending on length of employment and position in the firm.

Pathe Meet Postponed Indef, 60% Proxies, Due to Dupont Suit

Pathe Film Corp. plan of dissolution and recapitalization was indefinitely postponed yesterday (Tuesday), because only 60% of total proxies from outstanding common stockholders were received at the special meeting set for Dec. 13 approving the plan. Under proposed plan, 80% approval was necessary.

It was pointed out at the meeting that a great many stockholders possibly had been deterred from or delayed in voting by the litigation instituted by E. I. duPont de Nemours & Co. and by the fact that stockholders, even though court decisions defeated both moves.

Because the time limitations placed on the corporation by Federal statutes require completing the plan in a single month this year, the 60% proxy vote yesterday precluded further solicitation of proxies.

Pathe now is expected to draw up a new plan, possibly incorporating the main details of the old, with this to be submitted some time next year. Main obstacle to having stockholders vote on a new plan might be a change in the present Federal law under which Pathe had originally planned dissolution and a new company financial setup.

E. I. duPont, who last week filed suit in N. Y. Federal court to restrain Pathe from disposing of 3,500 shares of stock in the duPont Film Co. to stockholders of Pathe at a meeting slated for yesterday (Tuesday), was denied its motion for an injunction on Monday (12). The plaintiff claims that under a contract entered into with Pathe, neither was to dispose of their duPont stock unless offering it to the other.

It was charged Pathe is attempting to breach this agreement, and that sale of the stock to Pathe stockholders would bring in a large group of small holders and would cause damage to the duPont Co. The latter is willing to take over Pathe's duPont holdings as provided under the agreement.

Bankruptcy Trustee Denied the Right To Ogle Bill Fox Books

Washington, Dec. 13. Latest legal bout over the William Fox financial empire wound up Monday (12) in a no-decision verdict when the U. S. Supreme Court dismissed a petition growing out of the attempts of Hiram Steelman, bankruptcy trustee, to ogle the books of All-Continent Corp. Company is generally regarded as personal holding company for the former film tycoon, with stock owned by Fox's wife.

The court declined without explanation to act on Steelman's request for a review of lower court rulings that he was not entitled to delve into All-Continent affairs in trying to untangle the monetary snarl which grows out of Fox's bankruptcy. In his attack on the Third Circuit Court of Appeals' opinion, the trustee said All-Continent was Fox's 'alter ego' and it is physically impossible to straighten out the tangle without surveying its assets. Theory was that Fox had transferred all his worth-while possessions to All-Continent before he confessed he was broke.

Failure of the Supreme Court to act was understood to be due to voluntary surrender of the holding company's records. While the jurists gave no explanation, attaches indicated the issue had been settled by opening of the books to the trustee.

DUTCH DONATE PIX TAKE TO REFUGEES

Amsterdam, Dec. 1. Today's (1) grosses of all Dutch picture houses, including distributor's shares, are sacrificed for German refugees. Thus the Dutch film trade helps the 'national collection', which is inaugurated in Holland for the next three days.

Action was advertised through an impressive short pic, running last week in all Dutch theatres under the device, 'The Godhouses are Burning.' Picture was a compilation of scenes showing our 'civilization'... skyscrapers, airplanes, oceanliners... contrasted to horror scenes cut of pix such as 'San Francisco,' 'In Old Chicago,' etc.

'Pygmalion' Nets \$1,561

Benefit performance of 'Pygmalion' which Nicholas M. Schenck gave Wednesday night (7) at the Astor, N. Y., netted \$1,561.75, to four charities, the American Jewish Joint Distribution Committee, the American Committee for Christian German Refugees, the Committee for Catholic Refugees from Germany, and the American Friends Service Committee.

Louis Bromfield, George Hawkins and Frank Case are tossing a party Sunday night (18) at the Algonquin hotel, N. Y., for Central European refugees.

NW's \$25,000 Fund

Minneapolis, Dec. 13. At the suggestion upon the recommendation of W. A. Steffes, unanimously re-elected Chief Barker, the Twin City Variety club voted to raise a minimum of \$25,000 for German refugees relief. The club will sell 50,000 or more tickets at 50c each. Good for admission to any Twin City theatre on a February date to be decided later. It will use \$2,000 from its treasury to buy and destroy 4,000 of the tickets. Members themselves also pledged the purchase and destruction of a minimum of \$1,000 worth of tickets. Steffes appointed a committee of 20 local members of the industry, to arrange details, all to be non-Jews.

Other officers elected were, Ben Blotky, first assistant chief Barker; Paul Mens, second assistant chief Barker; Norwood Hall, dough man; W. H. Workman, secretary, and George Granstom, Don Buckley, Ray Wylie, Eddie Ruben, Ben Kaplan and Harold Johnson.

A Double Worry

Minneapolis, Dec. 13. With gambling raid and grand jury gambling investigation stories occupying local newspapers' front pages, State (Paramount circuit) is featuring a short, 'Robbin' Good,' expose of the gambling racket. Film shows how magnets control chuck-a-luck, how dice substitutions are made in craps, how blackjack decks are manipulated and how gamblers even can cheat with an honest deck.

Newspapers are giving the 'timely film' plenty of publicity, with the result that patrons of some of the more elaborate raised gambling joints are wondering whether their losses resulted from up-and-up play, or otherwise.

GN-FINE ARTS AS IS; 251G COAST SUIT

Lloyd Wright, trustee for Grand National, left for the Coast Saturday (10) without any official indication of how matters stand among GN, Earle W. Hammons, president, and co-trustees of GN and Fine Arts Productions.

Intimated, however, that both Hammons and Franklyn Warner this week would get together again. Several other deals which would bring additional product to GN are also pending on Coast and awaiting final outcome, according to Wright.

Freedman Sues for 250 G

Los Angeles, Dec. 13. Herman B. Freedman filed suit for \$251,450 against Grand National Pictures, charging breach of contracts calling for 24 westerns and two outdoor dramas.

Freedman claims the deal was repudiated after Educational took over the assets of GN. He bases damages on the estimated earnings he would have received.

D. C. Drops Beef

Washington, Dec. 13. Punitive action threat hanging over heads of bankrupt Grand National Films disappeared last week shortly before a second Federal agency consented to delisting of the company's stock from the New York Curb Exchange.

After months of stalling, the Federal Trade Commission dismissed without prejudice a year-old complaint requiring GN to change selling tactics in distributing feature 'In His Steps.' Indictment followed analysis of complaints the plot does not follow the story of a naive decent best seller upon which the flicker purportedly was based. No hearing ever held, since the company, replied that advertising ballyhoo had been scrubbed and the title 'Sins of Children' was being used instead of the original tag.

In dropping the action, the FTC remained that no further public interest would be served by pressing the investigation and the company, undergoing reorganization, no longer has any material existence. Successor corporation, Grand National Pictures, Inc., has not offended.

Short time earlier, the Securities and Exchange Commission paved the way for burial of the old firm by granting permission to take the \$1 million offer of the board at the close of trading-Friday (9). Brief hearing several weeks ago brought out that trading had faded to nearly nothing since reorganization proceedings started and the corporation is a mere, legal shell.

Dark One for Par

Hollywood, Dec. 13. Paramount won a technical battle at the Hays office. That title goes to the Claudette Colbert-Don Ameche starrer.

Roach's 'Capt. Midnight' will be changed to 'Capt. Fury.'

Paul Mens, second assistant chief Barker; Norwood Hall, dough man; W. H. Workman, secretary, and George Granstom, Don Buckley, Ray Wylie, Eddie Ruben, Ben Kaplan and Harold Johnson.

Trade Practice Discussions By NW Allied Become Turbulent; Steffes on the Spot Via M-G Deal

Minneapolis, Dec. 13. Internal dissension smoldering within Northwest Allied ranks and blazing forth at a Twin City members' meeting to consider the trade practice program was held responsible, in part, for failure to ratify the code, notice to that effect going forward to National Allied, much to the disappointment of the local body's president, W. A. Steffes. Disapproval voted by the Northwest organization, one of the nation's most aggressive and successful exhibitor trade bodies, was over the protest of Steffes, this section's biggest independent leader, who hitherto has dominated it almost completely.

In this instance, however, Steffes, a member of the national trade practice program committee, a national Allied director and a former president of the national organization, was a storm center himself of a turbulent outbreak which came during discussion of the program which he favors.

While the Twin City independents were dissatisfied with some of the program's features, and felt additional 'concessions' should be forthcoming, a particular fly in the ointment was that a local nabe, the Paradise, in which Steffes is interested and which has Metro clearance over other independent houses here, has been charging a lower matinee admission than competitors.

Sentiment was expressed that it is useless for independents to attempt to get together with producers on any program when they can't even cooperate among themselves for the mutual benefit. A motion to reject the program was passed by a majority vote.

During the heated meeting Bennie Berger, a former Northwest Allied president and operator of one of the territory's largest independent circuits, was bitterly assailed. Verbal fireworks filled the air when Berger, associated with Steffes in the Paradise ownership, was accused of exhibitor activities calculated to raise film rentals.

Exhibitors are aroused because M-G has announced that henceforth all deals will be based on 'runs.' This, it was pointed out at the meeting, will result in competitive bidding to gain clearance advantages and, accordingly, shove up film prices.

The Touch-Off

It was after Steffes told exhibitors complaining about the Paradise they, too, have the privilege of buying runs that one of them blurted out, 'But I'm not the head of the exhibitors' organization, so I probably couldn't get a deal.'

That touched off the dynamite. 'No — — — can insinuate that I ever have used this office to gain any buying advantage,' exploded Steffes.

It was at this juncture, when a half-dozen were shouting and gesticulating to make themselves heard and when the meeting seemed about to end in a row that the cooler heads took charge.

Steffes explained that Berger was in complete charge of the operation of the Paradise and that he, Steffes, had absolutely no control over Berger. 'However,' said Steffes, 'the way to clear this up would be to buy the Paradise which happens to be for sale.'

Steffes conceded that Berger was a 'menace' because he paid exorbitant film rentals and worked otherwise on 'a survival of the fittest' theory, disregarding competitors' welfare.

'I'd much prefer to have the Paramount circuit for opposition,' said Steffes.

'This organization, or any individual, can't tell me how to run my theatres or how much I shall pay for film,' shouted Berger. 'The only way I can operate the Paradise profitably is to have MGM first runs, and I'm going to have them.'

Competitors replied that 'two could play at the same game' and threatened a competitive bidding race for prior clearance.

In the trade-practice program discussion it developed that the North-

west independents present liked the cancellation privilege feature, although at least one exhibitor declared there'd really be no benefit because through contract readjustments the theatre owner is further ahead now than he'd be if compelled to abide by his agreement.

The clauses regarding titles of pictures being sold and preferred playing time met with favor because exhibitors would be enabled to buy films individually under certain circumstances and could get away from guarantees. Some, however, felt there wasn't much benefit gained here, either.

Also approved was the provision aiming to prevent an exhibitor from being shut off from product or having it taken away from him. No fault was found regarding the elimination of enforced buying of newsreels, shorts, etc.

Little good was seen in the provision eliminating score charges, the exhibitors feeling they'd simply be added to the film rental. Other clauses, for the most part, were okayed.

Much of the discussion centered about the matter of arbitration. Several of the exhibitors, who had had experience with this method of settling disputes by the old Film Board of Trade, condemned it in no mild terms and declared it would bring only grief to theatre owners.

Steffes conceded that eventually 'everything' would hinge on the arbitration setup. If this setup is in line with proposals, it would assure exhibitors a square deal, Steffes thought.

It was declared that exhibitors should not be compelled to accept films in the order of release. Steffes replied, however, that the exhibitors' committee had battled five days and that the present program was the result, and the organization would have to take it 'as is' or reject it. He expressed the opinion that under the proposed program independent exhibitors 'definitely would be 100% better off than today.' But they wound up rejecting it.

Howard-Futter's Script O.O. West; RKO-Wilcox Unit

Leslie Howard and Walter Futter are now preparing the script of first picture to be made in England by them for RKO release.

Deal for three pictures was reported signed this week on Coast. Basis of contract is that stories will be prepared in Hollywood, to get benefit of Coast production slant before shooting on the other side. First picture will be 'The Man Who Found Himself,' with Howard starred, by Herbert Wilcox, British producer, who has released his last two 'Victoria the Great' and '60 Glorious Years' through RKO, has completed negotiations with RKO for a new series of pictures to be made by Wilcox in England.

New subsidy will be announced today (Wednesday) by Ned DePent and Wilcox at a press luncheon. Wilcox sails for England Friday (16) to gether with Anna Neagle, star of the 'Victoria' films.

BRING ON THE TINTERS

Hollywood, Dec. 13. New electrical equipment is being installed on the Metro lot to take care of next year's heavy schedule of Technicolor pictures.

In addition to two-hundred sound-proof generators, the sound stages are being equipped with heavy feeder lines capable of carrying a load of 25,000 amperes.

Xmas Shopping Dents Chi Grosses; 'Heart'-Vaude \$26,000, 'Ice'-Flesh 15G, 'Comet' Slow, 'Sonata' 9th Wk.

Chicago, Dec. 13. It's before-Christmas again, and only those pictures and attractions which have box-office ability and power are making an impression. Stores are doing great business, but it appears that the general run of theatres will have to wait until after the gifts are distributed before their box offices will see much profit.

Best pace in the loop is currently set at the Chicago where 'Young in Heart' is getting demand notices from the small Playhouse, far above average and a great money-maker. Will stick around for many, many weeks at the pace.

Going into its ninth week is 'Moonlight Sonata,' which indicates that it is about the strongest box-office item in the art film list currently. Has been consistently touching \$5,000 in the small Playhouse, far above average and a great money-maker. Will stick around for many, many weeks at the pace.

Holding over in the loop are 'Stablemates' in the Roosevelt and 'Cowboy and the Lady' in the United Artists, while B&K shifted 'Angels with Dirty Faces' to the Apollo after two weeks in the loop.

Estimates for This Week
Apollo (B&K) (1,200; 35-55-65-75) —'Angels' (WB). In here after two solid weeks in the Chicago and will garner \$6,500, despite the pre-Xmas slump. Last week, 'Great Waltz' (M-G), \$5,200, off a point.

Chicago (B&K) (4,000; 35-55-75) —'Young Heart' (UA) and stage show. Picture is getting fine talk and notices, and on that basis managing to pull general season ticket toward \$26,000, under hopes, but holds anyway over current lull. Last week, 'Angels' (WB), wound up fortnight to fine \$31,200.

Garrick (B&K) (900; 35-55-65) —'Comet Over B'way' (WB). Not much strength on this one at \$4,500, so-so. Last week, 'Men Wings' (Par) managed meek \$4,200 for final few days in loop.

Oriental Jones (3,200; 25-35-40) —'Breaking Ice' (RKO) and vaude. Good gross in prospect on steady patronage line is building. Last week, \$15,000, plenty okay. Last week was a fine grosser at \$19,100.

Palace (RKO) (2,500; 35-55-65-75) —'Sisters' (UA) and vaude. Pointed at \$15,000, very mild. Last week, 'Man Remember' (RKO) dipped to \$12,700, meagre.

Roosevelt (B&K) (1,500; 35-55-65-75) —'Stablemates' (2d wk). Going to okay \$9,500 after turning in strong enough initial stanza of \$14,100. United Artists (B&K-UA) (1,700; 35-55-65-75) —'Cowboy and the Lady' (UA) (2d wk). Drooping and will garner a fairish \$9,000 for second session after good \$14,200 for first gallop. 'Shining Hour' (M-G) set to replace.

Omaha Sad; 'Algiers,' 'Kildare' 8½G, Bad, Others Also Slump

Omaha, Dec. 13. Theatre men here are looking around frantically for some way to hypo grosses which are suffering from a bad case of the doldrums. Unusually warm weather has hit the general business a hard blow with retail and wholesale trade running many lengths back of 1937.

Opheum and Brandels are trying to pick up a few extra bucks by previewing coming features at a Saturday midnight show, free to late patrons. It really means a triple bill on Saturday night and may be the opening wedge for first-run triplers generally.

Donkey basketball, sponsored by Omaha Junior Chamber of Commerce, made a sorry attempt at competition in five nights at the Auditorium. Less than 5,000 paid to see.

Estimates for This Week
Avenue-Dundee-Military (Goldberg) (950-810-850; 10-25) —'Hot to Handle' (M-G) and 'Rich Man' (M-G) dual split with 'Lucky Remedy' (RKO), 'Annabel' (RKO), and 'Dracula' (U-reissue), tripler. 'Air' \$2,000. Last week, 'Antoinette' (M-G), split with 'Boy Meets Girl' (WB), 'Room Service' (RKO), and 'Gateway' (20th) tripler, \$2,200, good.

Brandels (Singer-RKO) (1,250; 10-25-40) —'Girls School' (Col) and 'Comet' (WB). Glad to get mediocre \$4,000. Last week, 'City of Angels' (WB), \$4,400, satisfactory.

Omaha (Blank) (2,200; 10-25-40) —'Sisters' (WB) and 'Always Trouble' (20th). Looking toward \$7,000, so-so. Last week, 'Citadel' (M-G) and 'Torchy Man' (WB), \$8,400, nice. Opheum (Blank) (3,000; 10-25-40) —'Algiers' (UA) and 'Dr. Kildare' (M-G). At \$9,500 n. s. h. Last week,

'Around Corner' (20th) and 'Youth Fling' (U), \$12,000, socko. Town (Goldberg) (1,250; 10-20-25) —'Mysterious Rider' (Par), 'When Born' (WB), and 'Marines Here' (Mon), first-run tripler, split with 'Speed to Burn' (20th), first run; 'Gateway' (20th), and 'Room Service' (RKO), tripler. \$1,500. Last week, 'Renegade Ranger' (RKO), 'One Wild Night' (20th), and 'Going Rich' (20th), first-run tripler, split with 'Santo Fe Stampede' (Rep), first run; 'Boy Meets Girl' (WB), and 'Give Me Sailor' (Par), tripler, \$1,600, nice.

'SUB'-MEMORY' NICE \$16,000, HUB

Boston, Dec. 13. 'Submarine Patrol,' dualized with 'Thanks for the Memory,' looks like this week's winner. Although Xmas shopping alibi is being used by managers for general swerve in biz, 'Young in Heart' on double bill is fair at the Loew stands. 'Drums' holds for third stanza, at the Memorial, with new co-feature, 'Next Time I Marry.'

Sonia Henie opens ice show at Garden (Wednesday 14). Will give first five performances at \$2.75 top, same as last year.

Estimates for This Week
Fenway (M&P) (1,532; 25-35-40-55) —'Young Heart' (WB) and 'Sharpshooters' (20th). Tepid \$5,500. Last week 'Around Corner' (20th) and 'Bulldog Drummond' (Par), okay \$6,500.

Keith Memorial (RKO) (2,907; 25-35-40-55) —'Drums' (UA) (3d wk.) and 'Next Time Marry' (RKO), dual. Fair \$10,500 indicated. Last week, 'Drums' and 'Swing Cheer' (U) (2d wk.), okay \$14,500.

Metropolitan (M&P) (4,367; 25-35-40-55) —'Submarine Patrol' (20th) and 'Thanks for the Memory' (Par). Aiming toward good \$16,000. Last week, 'Angels' (WB) and 'Down on Farm' (20th) (2d wk.), \$14,500, fine.

Opheum (Loew) (2,500; 25-35-40-55) —'Young Heart' (UA) and 'Spring Madness' (M-G). Paced at \$14,000. Last week, 'Citadel' (M-G) and 'Blondie' (Col) (2d wk.) very satisfactory \$15,000.

Paragon (M&P) (1,797; 25-35-40-55) —'Heart of North' (WB) and 'Sharpshooters' (20th). Heading toward medium \$7,500. Last week, 'Acoustic' (UA) and 'Bulldog Drummond' (Par), \$9,500, under expectations.

Scollay (M&P) (2,538; 25-35-40-55) —'Sisters' (WB) and 'Gangster's Boy' (Mon). (2d wk.) Okay \$6,000 gait. Last week, 'Suez' (20th) (3d run) and 'Stand Accused' (Par), adequate \$6,500.

State (Loew) (3,800; 25-35-40-55) —'Young Heart' (UA) and 'Spring Madness' (M-G). Will hit \$10,000, good. Last week, 'Citadel' (M-G) and 'Blondie' (Col) (2d wk.), tallied \$10,000.

'Angels' Great \$6,500, 'Hour' Slow, Okla. City

Oklahoma City, Dec. 13. Angels With Dirty Faces' shoving off to bonanza \$6,500 at Midwest after biggest build-up in recent months. I Am Lady' and 'Shining Hour' around \$5,000 at Criterion. Biz up for last few weeks, and sacks open for big Yuletide coin ahead.

Estimates for This Week
Criterion (Stan) (1,500; 25-35-40) —'Shining Hour' (M-G). Slow going here at \$5,000. Last week, 'If King' (Par) nabbed net \$8,800.

Liberty (Stan) (1,200; 20-25) —'Youth Fling' (U) and 'Exposed' (U). Will probably depart before seven days are up. Slow at \$2,000. Last week 'Valley of Giants' (WB) and 'Acress' (WB), nice \$3,000, seven days.

Midwest (Stan) (1,500; 25-35-40) —'Angels' (WB). Screen plugs for last month in all Standard houses and good word-of-mouth build-up. Big coin at \$6,500. Last week 'Submarine Patrol' (20th) slowed to \$4,200.

State (Noble) (1,100; 20-25-40) —'I Am Lady' (Col) (2d wk.). Nice \$3,000 in sight. Last week same pic capped net \$4,000.

Tower (Stan) (1,000; 25-35) —'Dr. Kildare' (M-G). First run reverses recent policy of move-overs from Criterion or Midwest. Strong \$3,200. Last week 'Cowboy and Lady' (UA), following one week at Criterion, slowed to \$2,300.

First Runs on Broadway (Subject to Change)

Week of Dec. 15
Astor —'Pygmalion' (M-G) (2d wk.).
Capitol —'Cut West with the Hardys' (M-G) (2d wk.).
Criterion —'Flirting with Fate' (M-G).
(Reviewed in Current Issue)

Globe —'Adventures in Sahara' (U) (17).
Music Hall —'Duke of West Point' (UA).
Paramount —'Thanks for the Memory' (Par) (2d wk.).

Rialto —'CIPHER BURAU' (GN) (13).
Roxey —'Thanks for Everything' (20th) (2d wk.).
Strand —'Dawn Patrol' (WB) (16).
(Reviewed in Current Issue)

Week of Dec. 22
Astor —'Pygmalion' (M-G) (3d wk.).
Capitol —'Sweethearts' (M-G).
Criterion —'Blondie' (Col) (22).
(Reviewed in VARIETY, Nov. 2)

Music Hall —'A Christmas Carol' (M-G).
(Reviewed in Current Issue)

Paramount —'Artists and Models Abroad' (Par) (21).
(Reviewed in VARIETY, Nov. 2)

Rialto —'Heart of the North' (WB) (20).
Roxey —'Kentucky' (20th) (23).
Strand —'Dawn Patrol' (WB). (2d wk.).

'Cowboy' Big \$8,500, Seattle; H.O.s Hold Own, Marie' Yanked

Seattle, Dec. 13. With aid of employees drumming up 'goodwill' biz, the Hamrick-Evergreen string looks to coast nicely through the two weeks prior to Christmas, as this type of hypo was fairly good.

Holdovers continue heavy. 'King and Ferdinand' wind up two okay weeks at Paramount, and get third at the Blue Moon. 'Shining Hour' holds for third session at the Music Box. 'Dirby Faces' clicked for h.o. at the Opheum. Paramount, however, is in the drivers' seat with 'Cowboy and Lady' ringing up great \$8,500.

Estimates for This Week
Blue Moose (Hamrick-Evergreen) (850; 32-37-42) —'If King' (Par) and 'Ferdinand' (RKO). Moved over from Paramount for third week, and heading toward okay \$2,000. Last week, 'Stablemates' (M-G) and 'Touchdown, Army' (M-G) wound up fourth week with \$2,000.

Celisseum (Hamrick - Evergreen) (1,900; 21-32) —'Antoinette' (M-G) and 'Safety in Numbers' (20th). Very good, and headed for four days, and yanked. Last week, 'Algiers' (UA) and 'Blockheads' (M-G) \$1,600, good enough for the four days.

Colonial (Sterling) (800; 10-21) —'Passport' (Hamrick) (2d wk.) and 'Young Fugitives' (U), dual, split with 'Dick Tracy' (Rep) (three episodes retitled locally 'Stolen Securities' and 'Law of Texas' (M-G)). Last week, 'Suez' (20th) (3d run) and 'Stand Accused' (Par), adequate \$6,500.

Opheum (Loew) (2,500; 25-35-40-55) —'Young Heart' (UA) and 'Spring Madness' (M-G). Paced at \$14,000. Last week, 'Citadel' (M-G) and 'Blondie' (Col) (2d wk.) very satisfactory \$15,000.

Paragon (M&P) (1,797; 25-35-40-55) —'Heart of North' (WB) and 'Sharpshooters' (20th). Heading toward medium \$7,500. Last week, 'Acoustic' (UA) and 'Bulldog Drummond' (Par), \$9,500, under expectations.

Scollay (M&P) (2,538; 25-35-40-55) —'Sisters' (WB) and 'Gangster's Boy' (Mon). (2d wk.) Okay \$6,000 gait. Last week, 'Suez' (20th) (3d run) and 'Stand Accused' (Par), adequate \$6,500.

State (Loew) (3,800; 25-35-40-55) —'Young Heart' (UA) and 'Spring Madness' (M-G). Will hit \$10,000, good. Last week, 'Citadel' (M-G) and 'Blondie' (Col) (2d wk.), tallied \$10,000.

'Angels' Great \$6,500, 'Hour' Slow, Okla. City

Oklahoma City, Dec. 13. Angels With Dirty Faces' shoving off to bonanza \$6,500 at Midwest after biggest build-up in recent months. I Am Lady' and 'Shining Hour' around \$5,000 at Criterion. Biz up for last few weeks, and sacks open for big Yuletide coin ahead.

Estimates for This Week
Criterion (Stan) (1,500; 25-35-40) —'Shining Hour' (M-G). Slow going here at \$5,000. Last week, 'If King' (Par) nabbed net \$8,800.

Liberty (Stan) (1,200; 20-25) —'Youth Fling' (U) and 'Exposed' (U). Will probably depart before seven days are up. Slow at \$2,000. Last week 'Valley of Giants' (WB) and 'Acress' (WB), nice \$3,000, seven days.

Midwest (Stan) (1,500; 25-35-40) —'Angels' (WB). Screen plugs for last month in all Standard houses and good word-of-mouth build-up. Big coin at \$6,500. Last week 'Submarine Patrol' (20th) slowed to \$4,200.

Pre-Xmas B'way Dip, but 'Pyg' OK \$16,000, 'Thanks Everything' 35G, 'Memory'-Barron 34G, 'School' 65G

Christmas is less than two weeks off and the panic is on. With the best product being saved for the holiday rather than sent to slaughter while Santa Claus is getting all the attention, most of the street is considerably disappointing. The one big exception is 'Pygmalion,' which ends its first week at the Astor tonight (Wed.) at a pop scale of 25-55c, week days and 65c, top Saturdays and Sundays. The picture is surprising even the Metro outfit, with standing room at most performances. Its initial seven days will be around \$16,000, excellent.

'West with the Hardys,' at the Cap, is away under expectations; will have to strain to get beyond \$25,000. This is profit but much more was anticipated, based in part on what the picture has done elsewhere.

'Dramatic School,' another Metro production, and second to be booked by the Music Hall, is away under hopes and lucky if nudging up to \$65,000. Hall has bought a third Metro for the first of the two holiday weeks, 'A Christmas Carol,' which is slated to open Dec. 22. 'Duke of West Point' opens meantime tomorrow (Thurs.).

Roxey and Paramount, with new shows, are neck and neck on their first weeks but in both instances grosses are slender. Thanks for Everything, which started slowly but has improved on the strength of notices and word-of-mouth, may be able to top \$35,000 for fair profit and holdover. The picture is that the wrong slant on the ad campaign has been hurting, with result the advertising as well as the house front and other billing is being changed for the holdover. First week for Par's 'Thanks for the Memory,' which may possibly be confused with 'Thanks for Everything,' coupled with the Blue Barron orchestra and Shirley Ross, stands at \$24,000, modest profit. Par goes on a holdover today (Wed.).

'CITADEL' 18G, LEADS DULL D.C.

Washington, Dec. 13. Plenty of shopping this week but not for shows. Even rain, which sent a few of 'em scurrying into the markets is holding off the worst, and most of the spots are resigned to the worst.

Palace is leading town, even beating two vaude spots, with 'The Citadel' (Col) standing at \$18,000, not much help to 'Dramatic School' and 'Comet Over Broadway,' which are running poor second and third.

Estimates for This Week
Capitol (Loew) (3,434; 25-35-40-68) —'Dramatic School' (M-G) and vaude head Collins and Peter son. Weak \$15,500. Last week, 'Drums' (UA) slipped to light \$16,000.

Columbia (Loew) (1,234; 25-40) —'If King' (Par) (2d run). Back downtown after two stanzas at \$1,500. Last week, 'Shining Hour' (M-G) (2d run), big \$6,000.

Earle (WB) (25-35-40-66) —'Comet Over Broadway' (WB) and vaude with Howard and Shelton not much draw. Brutal at \$12,000. Last week, 'Hard to Get' (WB) slowed to sick \$13,000.

Keith's (RKO) (1,830; 35-55) —'Little Tough Guys' (U). Fair \$6,000. Last week, 'Man Remember' (RKO) satisfying \$7,200 for eight days.

Met (WB) (1,600; 25-40) —'Angels' (WB) (2d run). Back on main street after big week \$4,500. Last week, six days of 'Men Wings' (Par) (2d run), \$3,200, okay.

Palace (Loew) (2,242; 35-55) —'Citadel' (UA). Leading with good \$18,000. Last week, 'Great Waltz' (M-G) (2d week) held to swell \$5,500.

Where's My Half?
Los Angeles, Dec. 13. Ted Richmond filed suit against the Alex Kemper agency for half the commissions collected on the agency's contract with Christina Wells.

Richmond claims he discovered the singer and aided Kemper in signing her to a Metro contract, for which he declares, he was promised half the commissions.

with more ambitious plans being laid for Christmas. House brings in 'Artists and Models Abroad' and the Glen Gray Orchestra band next Wednesday (21), while the Rocky shoots with 'Kentucky' Friday (23). 'Men with Wings' (2d run) and Cab Calloway are letting the State down to a measly \$16,000 or so, poorest in some time. Picture was milked on a three weeks' run recently at the Par a block away.

Weathering the onslaught of Xmas shopping admirably 'Angels with Dirty Faces' and Ted Lewis should get the Strand \$25,000 or more this, the third and final week of the run. On the 23 days the show will have grossed \$110,000, very profit.

'Storm Over Bengal' is only fair at the Criterion, \$6,500 or bit better, while 'Secrets of a Nurse' is being slighted at the Globe, where probably no more than \$5,500. Arthur Mayer did poorly with 'Last Warning' at the Rialto, which ended its week Monday night (12) at only \$5,400. House brought in 'Cipher Bureau' yesterday morning (Tues.).

Hard hit of late, the Rivoli closed down Sunday night (11) after failing to get as much as a \$10,000 in nine days 'Up the River.' It may be getting better pictures in future, however, with 'Beachcomber' having been obtained for reopening Xmas eve, to be followed by the next Deanna Durbin picture.

Estimates for This Week
Astor (1,012; 25-40-55-65) —'Pygmalion' (M-G). English-made, based on the George Bernard Shaw play, doing a rushing business on the first week ending tonight (Wed.), looking around \$16,000, big. This capacity. Starts on holdover tomorrow (Thurs.).

Capitol (4,520; 25-35-55-85-125) —'West with Hardys' (M-G). Falling considerably short of expectations in spite of pre-Xmas lull, usual at this time; \$25,000 appears tops, fair profit. Holds over. Last week, second for 'Great Waltz' (M-G), \$20,000, okay.

Criterion (1,682; 25-40-55) —'Storm Over Bengal' (Rep). Not so bad considering everything, \$6,500 or bit better. Holds over. Last week, 'Madness' (M-G) fell short of \$6,000.

Globe (1,274; 25-40-55) —'Secrets of Nurse' (U). A weak sister and probably not more than \$5,500 but gets house through week. Last week, 'Sharpshooters' (20th), hit \$7,600, good.

Palace (1,700; 25-35-55) —'Sub Patrol' (20th) (2d run) and 'Service de Luxe' (U). Good stand, but the pair looks around \$7,000, mild. Last week, 'Miss Manton' (RKO) (2d run) and 'Next Time Marry' (RKO) (1st run), \$7,200.

Paramount (3,684; 25-35-55-85-99) —'Thanks for Memory' (Par) and Blue Barron orch, plus Shirley Ross (2d wk.). Starts on holdover today (Wed.) after a week ahead of \$34,000, under hopes with fair profit for pre-Xmas. Last week, 'Say in French' (Par) and Count Basie, \$25,500, some profit.

Radio City (3,980; 40-60-94-99-165) —'Dramatic School' (M-G) and stage show. A rather disappointing pre-holiday entry, and fortunate if getting up to \$95,000 on the week. Last week, 'Cowboy and Lady' (UA) (2d week), \$66,000, o.k. House opens 'Duke of West Point' tomorrow (Thurs.), to be followed for Xmas week by 'Christmas Carol' (M-G).

Rialto (750; 25-40-85) —'Cipher Bureau' (GN). Ushered in yesterday morning (Tues.) after a mild week with 'Last Warning' (U) at \$5,400. 'Shadows Over Shanghai' (GN) the week before got \$5,500.

Rivoli (2,082; 25-35-75-85-49) —'House Close' (WB) and 'Fury Around Corner' (WB) Christmas, getting less than \$10,000 on nine days with 'Up River' (20th). Reopens with a special pre-Xmas pop pres Dec. 24 at 8 p. m. with 'Fury Around Corner' (WB).

Roxey (5,538; 25-40-55-75) —'Thanks Everything' (20th) and stage show. Off on the wrong foot, probably because of one bad review and a painful, but has shown signs of building since then and on the first week will be \$35,000 or bit better. Slender though fair profit, and holds a second. Last week, 'Fury Around Corner' (WB) (20th) dipped a little into the red, \$25,500.

Strand (2,767; 25-55-75) —'Angels' (WB) and Ted Lewis band (3d-final week). On holdover strength suggests a probable \$25,000 this week (3d) and a gross last week of \$33,000, with a first week up ahead of \$52,000, a total of \$110,000 is shown on the 21-day run.

'Up the River' (WB) and Abe Lyman band opens Friday (16).

State (3,450; 35-55-75) —'Men with Wings' (2d run) and Cab Calloway. Bumped down this week to around \$16,000, which h.r.s. Last week, 'Citadel' (M-G) (2d run) and vaude headed by George Jessel, Dixie Dumas and Josephine Huston, nearly \$28,000, excellent.

Reprint of Editorial In
First Issue of
Variety, Dec. 16, 1905

VARIETY

A Variety Paper for Variety People.
Published every Saturday by
THE VARIETY PUBLISHING COMPANY,
Knickerbocker Theatre Building,
New York City.

First Year.

No. 1.

VARIETY in its initial issue desires to announce the policy governing the paper.

We want you to read it. It will be interesting if for no other reason than that it will be conducted on original lines for a theatrical newspaper.

The first, foremost and extraordinary feature of it will be FAIRNESS. Whatever there is to be printed of interest to the professional world WILL BE PRINTED WITHOUT REGARD TO WHOSE NAME IS MENTIONED OR THE ADVERTISING COLUMNS.

"ALL THE NEWS ALL THE TIME" and "ABSOLUTELY FAIR" are the watchwords.

The news part of the paper will be given over to such items as may be obtained, and nothing will be suppressed which is considered of interest. WE PROMISE YOU THIS AND SHALL NOT DEVIATE.

The reviews will be written conscientiously, and the truth only told. If it hurts it is at least said in fairness and impartiality.

We aim to make this an artists' paper; a medium; a complete directory; a paper to which anyone connected with or interested in the theatrical world may read with the thorough knowledge and belief that what is printed is not dictated by any motive other than the policy above outlined.

WE WANT YOU FOR A SUBSCRIBER. If you don't read VARIETY you are missing something.

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The only positive way to get VARIETY is to subscribe for it NOW.

This paper is for variety and variety only in the broadest sense that term implies.

Is honesty the best policy? VARIETY will give the answer in its fifty-first number.

...The One Thing
in Show Business That
Hasn't Changed in Thirty-
Three Years:

Variety's unswerving
policy of service to
Show People and
Show Business

THIRD OF A CENTURY ANNIVERSARY ISSUE

To Be Published Late in December

VARIETY

New York

Hollywood

Chicago

London

'School'-Vaude \$18,800, Pitt; 'King' 121 1/2 G, 'Spring' Dual Slow \$3,200

Pittsburgh, Dec. 13. Pre-Xmas slump, in evidence again, isn't quite so pronounced yet as it's been in past years. In fact, biz not bad at all for this time of season and in many cases almost up to figures in normal week, surprising.

Stanley's giving 'em Gang Busters' unit, Eleanor Whitney, Ben Blue and Benny Ross-Maxine Stone to bolster 'Dramatic School' and 'combo's' producing results, while 'I Were King' is keeping the Penn's head well above water, too. At Fulton, reissues of 'Mississippi' and 'Little Miss Marker,' doing much better than new features of last few weeks. Senator, taking 'Submarine Patrol' after nice session at Alvin, is picking that new Harris site up sharply.

Estimates for This Week
Alvin (Harris) (1,850; 25-35-50) — 'Gangster's Boy' (Mono). Not the surprise mop-up that Cooper's last was, but doing well enough at \$5,600. Considered promising enough to get picture second week at Senator, where it will be teamed with a new one, Rep's 'I Stand Accused.' Last week, 'Submarine Patrol' (20th), \$6,500, and a h.o. at new Harris site up sharply.

Fulton (Shea-Hyde) (1,750; 25-40) — 'Miss Marker' (Par) and 'Mississippi' (Par). Reissues got away to a nice start and getting attention from shopping crowds. Headed for \$2,400. Last week, 'Secrets of Nurse' (U) and 'Down on Farm' (20th) \$2,400, mild.

Penn (Loew's-UA) (3,300; 25-35-50) — 'If King' (Par). Colman's name and costume seem to be b.o. here, and paced for \$12,500, which isn't bad at all. Last week, 'Brother Rat' (WB) fell off after well get away from anything spectacular, \$11,600, not strong enough to get expected h.o. at Warner.

Senator (Harris) (1,800; 25-40) — 'Submarine Patrol' (20th). First ray at sunshine new Harris spot has and is launching. Action, meller moved here after week at Alvin, and while \$2,400 isn't anything spectacular, it's much better than last week's \$1,600 with 'Storm' (U) and 'Lady Objects' (Col).

Stanley (WB) (3,600; 25-40-60) — 'Dramatic School' (M-G) and stage show. 'Flash names giving big momentum. Clocking for very favorable \$18,800. Last week, 'Dr. Kildare' (M-G) and Duke Ellington in the dumps at \$14,900.

Warner (WB) (2,000; 25-40) — 'Spring Madness' (M-G) and 'Illegal Traffic' (Par). First-named getting press attention through Burgess Meredith's comedy performance and fact that it was directed by hometown boy, S. Sylvan Simon. Not being reflected at b.o., however, and will be lucky to break \$3,200 in six days. Last week, 'Angels' (WB), h.o. from the Penn, great at \$5,500.

House Closings Gumm
Lincoln, 'Hardys' OK \$5,000, 'Waltz' Yanked

Lincoln, Dec. 13. House closings occupied the limelight here this week, with both Liberty, 1,400-seater, and the Orpheum, 1,350 seater, darkening (11), following precedent set by the Kiva (1). Meantime, biz side of the picture is good. 'Can't Take It' still barreling in the second week at the Variety, and 'Out West with the Hardys' staying 10 days at the Stuart.

Orpheum is to get a retrimming and will be changed to the plan goes, with a money outfit skeddadd at \$30,000. It stays on with the J. H. Cooper-Lincoln Theatre Corp., while the Liberty, the house up to closing time, finds itself changing hands and going to Cooper's opposition, the Nebraska Theatres, Inc. Both spots are supposed to reopen in January, Liberty early and Orpheum late. Liberty gets new decorating, too.

Balto Very Indigo; 'Sisters' \$11,000, OK

Baltimore, Dec. 13. Pre-holiday slump on in full force here with downtowners taking it on the chin generally. Some fair response to rather belated showing of 'The Sisters' at the Stanley, most of the drama coming at night. Century and Hipp, flesh houses, not getting much from 'Dr. Kildare' coupled to stage flash headed by h. o. of Ken Whitmer, m. c., at Century, nosing out the Hipp with Count Basie band and 'Next Time I Marry,' but both hitting new low for new bookings.

Estimates for This Week
Century (Loew's-UA) (3,000; 15-25-35-40-55) — 'Dr. Kildare' (M-G) plus h. o. of Ken Whitmer, emceeing new stage show under the ban of pre-holiday slump at \$9,500. Last week, 'Young Heart' (UA) held fairly steady pace to okay \$12,700.

Hippodrome (Rappaport) (2,205; 15-25-35-40-55-60) — 'Next Time I Marry' (RKO) and Count Basie orchestra. Not getting any place at all with worst in months, \$9,000. Last week, 'Gladstone' (Col) and 'Black and Blue,' magic layout, \$13,400, bell ringer.

Keith's (Schanberger) (2,460; 15-25-35-40-55) — 'Crooked Mile' (Par). Opens tonight (13), after uneventful six days of 'Thanks for Memory' (Par), to halting \$3,600.

New (Mechanic) (1,558; 15-25-35-55) — 'Slave Ship' (20th). Repeated to mark time during lull, but not catching on with sluggish \$3,000 indicated for week ending tomorrow (14). Will continue until Friday (16) when 'Thanks for Everything' (20th) under way.

Stanley (WB) (3,250; 15-25-35-40-55) — 'Sisters' (WB). Belated booking getting some good nocturnal play to provide town with only bright spot at \$11,000. Last week, 'Angels' (WB) (2d week) added uneventful \$5,300 to fairish opener of \$9,400.

QUINTS DUAL \$9,000 IN PROV.

Providence, Dec. 13. Nearly all grosses slightly behind that of past few weeks, but a dearth of other entertainment and continued Indian summer weather have all hoping for better things.

Strand with 'King of Alcatraz,' and Fay's with revival of 'Slave Ship,' and Majestic with 'Sisters' and 'Five of a Kind' expecting to pull above last week's take.

Albee (RKO) (2,200; 25-35-50) — 'Gangster's Boy' (Mono) and 'Next Time Marry' (RKO). — Getting so-so \$5,000. Last week, 'Star of Midnight' (Col) and 'Lost Patrol' (RKO) (re-fair) \$5,500.

Carlton (Fay-Loew) (1,400; 25-35-50) — 'Submarine Patrol' (20th) and 'Road Demon' (20th) (2d run). Paced for \$4,500, mild. Last week, 'Angels' (WB) and 'Torchy Man' (WB) (2d run) swell \$5,500.

Fay's (Indie) (2,000; 25-35-40) — 'Slave Ship' (20th) and vaude. Looking bright at \$9,000. Last week, 'Hard to Get' (WB) and vaude, \$7,000, okay.

State (Loew) (3,200; 25-35-50) — 'Dramatic School' (M-G) and 'Spring Madness' (M-G). Headed for \$11,000, good. Last week, 'Young Heart' (UA) and 'Flirting Fate' (M-G), strong \$12,000.

Majestic (Boy) (2,300; 25-35-50) — 'Sisters' (WB) and 'Five of a Kind' (20th). Quints' appeal drawing femmes for swell \$9,000. Last week, 'Sub Patrol' (20th) and 'Road Demon' (20th) \$8,500.

Strand (Indie) (2,200; 25-35-50) — 'King Alcatraz' (Par) and 'Campus Confessions' (Par). Bright prospects for fair \$5,000. Last week, 'Arkansas' (Par) and 'Bulldog Drummond' (Par) disappointed with meager \$5,000.

25-35 — 'Submarine' (20th) and 'Road to Reno' (U), good \$2,200 in night. Last week, 'Shining Hour' (M-G) and 'Down on Farm' (20th), also \$2,900.

Stuart (LTC-Cooper) (1,900; 10-25-40) — 'West with Hardy' (M-G). Was dropped in when 'Waltz' (M-G) slowed. Set for 10 days. At \$5,000, good. 'Waltz' on four days n. s. h. \$1,800.

Variety (NTI-Monroe) (1,100; 10-25-35) — 'Can't Take It' (Col) (2d week). Aiming for \$3,600, after \$5,300 last week, best money house has seen in four years of present management. Will probably go a third week.

'Cavalcade' Film For '39 Fair Being Edited

Work on 'Cavalcade of America,' feature revealing historical events in America's life from the revolutionary days, is now in the editing stages, with staff on the Coast looking over wealth of footage collected in New York by the Hays office. As soon as scenes and episodes from more than 100 feature productions have been selected, Hays staff will collate this footage with the approval of picture companies concerned. Final phase will be special scenes needed and superimposed narration and scenes that may follow entire story.

'Cavalcade of America' is the picture industry's gift to the New York World's Fair. It is being made for showing in the Federal building at the expo. Since 'Cavalcade' production being considered for the San Francisco fair, with western-pioneer scenes stressed, also, to be handled by the Hays office.

NEB. HAS FLOCK OF FANCY PIX LAW IDEAS

Lincoln, Dec. 13. Film lobby here girding loins for a stiff go at the opening of the unicameral legislature in January. There are four, and possibly five, bills of major industry importance to be shoved into the lawmaking hopper.

Among those mentioned are: Theatre divorcement, modelled along the North Dakota's style. Graduated occupation tax (annual) on chain-owned theatres, starting at \$250 each for the first two houses, and dropping as the number increases.

Limiting theatre programs to 150 minutes, as a sock against duals. Labor's offering for every session, the two-man booth.

Five or ten per cent on gross box office and gross film rental for old age assistance. (Offered and beaten last session.)

Little likelihood that the dual-sock will appear, it's only being small talk during the primary drive when the PTA howl was highest. Bob Livingston, vet lobbyist for the filmers, hasn't lost a case yet, and will be active as usual in this session.

Baltimore, Dec. 13. Poll of state legislators and senators, elected in recent gubernatorial fight revealed this week a tendency to crack down on amusements in an effort to provide needed funds for continued relief. Present setup calls for 1% gross tax on all receipts. Newly elected solons are figuring on per ticket job. Showmen planning to present solid front in opposition.

Warns on New Bills

St. Louis, Dec. 13. Fred Wehrenberg, owner of a chain of nabes here and president of the MPTOA of Eastern Missouri and Southern Illinois, has sent a letter to every member of the organization warning them to be on the alert for adverse bills that may be introduced in the Missouri and Illinois Legislatures which meet shortly after Jan. 1 and be prepared to fight them.

Wehrenberg's letter states that he anticipates such legislation will be introduced and while a majority of such bills are known as 'sand-siggers' and the exhibitor is on the alert to block them they may slip by and become a law.

KENT PRESIDES AT 20TH SALES CONFAB

Hollywood, Dec. 13. Sidney Kent opened the three-day sales sesh at the Ambassador hotel Monday (12), attended by Herman Wobber, distribution head, Charles McCarthy, pub-ad chief, and the 20th-Fox sales groups. Meeting is the annual get-together of distribution and home office execs to discuss product and foreign sales policies for the New Year. Mostly routine matters being mulled and new pictures reviewed.

Kent and McCarthy are leaving Friday (17) for New York.

Horror Dual Record \$4,000, Mpls.; 'Angels' 9G, 'Citadel,' 'French' NG

Shopping Lists

(Continued from page 1)

phonograph records. These are not the toy items, but the standard machines and records. It presages a big upturn in record sales, not only of popular discs but of the standard catalogues.

Second item in Christmas gift popularity are motion picture cameras and projectors, practically all of them of the 16 mm. size. The 8 mm. size is getting a play in the cheaper stores, while the standard 32 mm. cameras are being sold only in a few isolated instances.

Third in the sales rating are electric razors, which are the overwhelming gift leader in the men's field. And in the fourth spot are the Shirley Temple dolls and items. This is a considerable drop for the Temple gifts which rated as the No. 1 sales item in this country for the past four years.

Personal recorded Christmas greetings on a phonograph card is a top novelty item in department stores.

N. Y. Store's Show Biz

Arnold Constable's (N.Y.) 'Men's Night' on Friday (16), in addition to a male fashion show, will include free drinks, snacks and some acts. Specially selected lookers will act as sales girls, suggesting gifts for femmes, etc.

'NURSE'-BUSSE SOCK 14G, K. C.

Kansas City, Dec. 13. With one exception town is experiencing slow doing, seasonal slack being in evidence already. Tower with Henry Busse on the stage is playing to glowing biz, but other spots, especially the straight film houses, taking in under \$1,000.

'Angels with Dirty Faces' goes blithely into its third week at the Orpheum, setting endurance record, and coming in very handy where product is now too plentiful.

Newman battling the pre-Christmas let-down with flesh on the bill, but WLS Barn Dance crew none too long on the b.o. magnetism. Say it in 'French' proving only average draw.

Midland with 'Dr. Kildare' seeing its lowest week in some time, and 'Up the River' day and date in Up-town and Esquire only so-so.

Estimates for This Week
Esquire and Uptown (Fox Midwest) (820; 1,200; 10-25-40) — 'Up the River' (20th) singled in both spots. Paced at \$6,000, average. Last week 'Service De Luxe' (U) took it easy for \$4,000, comedies.

Midland (Loew's) (3,573; 10-25-40) — 'Dr. Kildare' (M-G) and 'Cipher Bureau' (Col). Doldrums still in force. At \$7,000, lowest in months.

Last week 'Young Heart' (UA) and 'Flirting Fate' (M-G) \$9,000, fair.

Newman (Par) (1,900; 10-25-40) — 'Say French' (Par) and WLS National Barn Dance on the stage. House is back to 40c top from last week's 55c high. Combined attractions fairly good at \$8,000. Last week's 'Thanks for Memory' (Par) screen with Check Webb's band on stage went at increased price scale and brought jitters in nicely for \$11,500, virtual top here.

Orpheum (RKO) (1,500; 10-25-40) — 'Angels' (WB) (3d wk.). Looks to play out at 21 days, current week hitting \$3,500. With combination of around \$18,000 for first two weeks, film doing nobly.

Tower (Fox Midwest) (2,050; 10-25-40) — 'Secrets of Nurse' (20th) with Henry Busse band on stage. Back to 40c top this week, house has about all it can care for at \$14,000. Last week 'King Alcatraz' (Par) with Buddy Rogers band, stage rolled up \$10,500, mid, at 55c top.

Three to Go at Mono

Hollywood, Dec. 14. Monogram is launching three pictures between now and Christmas, beginning tomorrow (Wed.) with 'Star Reporter,' to be produced by E. B. Sundown on the Prairie, Tex Ritter musical western, gets the gun Dec. 16, and 'Navy Girl' follows shortly after.

Minneapolis, Dec. 13.

'Angels With Dirty Faces' and 'Dracula'-Frankenstein have a corner on nearly all the biz. Despite a current trade slump, aggravated by the proximity of Christmas, they're both in the real money. 'Moonlight Sonata' in its third week at the World, also continues to prosper.

Otherwise the depression that has been in evidence for more than a month still is getting in its licks. 'Citadel' is not drawing its salt at the State. 'The Great Waltz' bowed out of the Century after nine mediocre days. But the Time has had four profitable weeks with Elaine Barrie Barrymore's 'How to Succeed in Front of Your Husband' run.

Estimates for This Week
Aster (Par-Singer) (900; 25) — 'Dracula'-Frankenstein' (both U) (reissues). Breaking 'house records and boosting takings more than 200 per cent above normal. House upped its admish to 25c all day, instead of 15c to 5 p.m., and opening its doors at 10 a.m. The new showgoers have gone into larger theatre, but this being the only dual bill house, were spotted here. Should run several weeks.

Tremendous \$4,000 in prospect. 'How to Succeed' (WB) (20th) and 'Adventures in Sahara' (Col), split with 'Torchy Man' (WB) and 'Last Express' (U), \$1,800, good.

Century (Par-Singer) (1,600; 25-35-40) — 'Say French' (Par). Will be lucky to reach light \$3,000. Last week 'Great Waltz' (M-G) \$7,500 for nine days, not so forte.

Gopher (Par-Singer) (988; 25) — 'Garden of Eden' (WB). Clocks at light \$2,500. Last week 'Hard to Get' (WB), \$3,000, good.

Orpheum (Par-Singer) (2,800; 25-35-40) — 'Angels' (WB). After big advertising and exploitation campaign, bucking up the box-office with immense \$9,000. Last week, 'Can't Take It' (Col) (2d wk.) \$7,000, good. Last week, 'Angels' (WB) (2d wk.) \$7,000, good.

State (Par-Singer) (2,300; 25-35-40) — 'Citadel' (M-G). Meagre \$4,500 is all that's in sight. Last week, 'Shining Hour' (M-G) \$5,000, disappointing.

Time (Berger) (240; 25) — 'Strange Adventures' (Indie) (4th wk.). Elaine Barrymore 'Undressing' short the draw here. Will bow out after this week, and a highly profitable run. Set for satisfactory \$700 after okay \$800 last week.

Uptown (Par) (1,200; 25-35) — 'Men Wives' (Par). \$2,900 indicated. Last week, 'Four Daughters' (WB) \$2,600, all right.

World (Stieffes) (350; 25-35-40-55) — 'Moonlight Sonata' (WB) (2d wk.). Continues to add to the carriage trade. Okay \$1,200 sighted. Last week, \$2,000.

'Heart' 11G, 'Rapture' \$4,500, Cincy; Evenings OK, Matinees Tepid

Cincinnati, Dec. 13. Weekday matinee biz is low tide. Due to holiday shopping, yet night and Sunday trade is above par, which is okay with downtown exhibs. Best grosser currently is 'Young Heart' at the Heart, \$4,500.

'Angels' (WB) (3d wk.) is chalking up a good mark on 'Dark Rapture'.

Vaughn Shubert has a fair puller in 'Spring Madness' and the 'Hollywood to Broadway' unit.

Estimates for This Week
Albee (RKO) (2,200; 35-42) — 'Submarine Patrol' (20th). So-so \$9,000. Last week, 'Cowboy and Lady' (UA) okay \$12,000.

Capitol (RKO) (2,000; 35-42) — 'Cowboy and Lady' (M-G) (2d run). Good \$5,000. Last week, 'Angels' (WB) (2d run), fair \$4,000.

Family (RKO) (1,000; 15-25) — 'Storm' (U) and 'Torchy Man' (WB) (20th). Split, average \$2,100. Ditto last week with 'Lawless Valley' (RKO), 'Last Express' (U) and 'I Stand Accused' (Rep), singly.

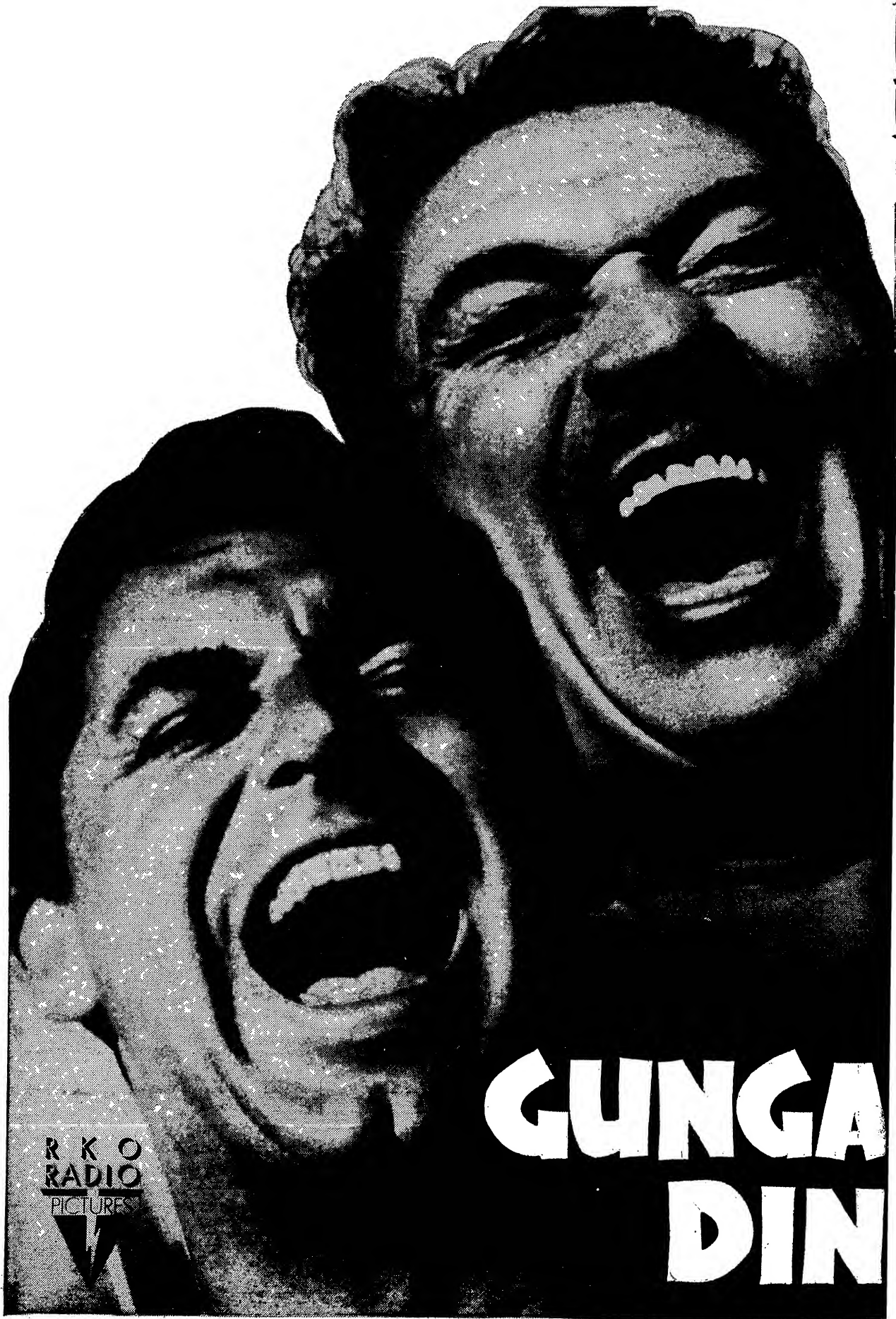
Grand (RKO) (1,200; 25-40) — 'Angels' (WB) (3d run). All right \$8,200. Last week, 'Brother Rat' (WB) (3d run), good \$3,000.

Keith's (Libson) (1,500; 35-42) — 'Cowboy and Lady' (UA) (2d run). Slow \$3,200. Last week, 'Thanks for Memory' (RKO), three days, and 'Shining Hour' (M-G) (2d run), slow in cold for last half, terrible \$2,600.

Lyric (RKO) (1,400; 35-42) — 'Dark Rapture' (U). Good \$4,500. Last week 'Man Remember' (RKO), poor \$2,700.

Palace (RKO) (2,600; 35-42) — 'Young Heart' (UA). Nice \$11,000. Last week, 'West with Hardy' (M-G), eight days, wham \$16,000. 'Star Reporter,' to be produced by E. B. Sundown on the Prairie, Tex Ritter musical western, gets the gun Dec. 16, and 'Navy Girl' follows shortly after.

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RADIO
PICTURES

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(IN COLOR)

DAWN PATROL

A CHRISTMAS CAROL

Young Scrooge.....	Ronald Sinclair
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Miniature Reviews

Swing, Sister, Swing
(WITH SONGS)

SMILING ALONG

STORM OVER BENGAL:

California Frontier

Hope

The *Light* Before Xmas

ERROL
FLYNN
IN
DAWN
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Survey of Latin Film Market

Four-month survey of Latin-American countries and its possibilities as to picture distribution has been started by the American Film Center, coordinating and consultant picture agency set up by the Rockefeller Foundation in New York. Center hopes to have report available for the use of educational, industrial, commercial and possibly Government bodies by the time the Federal government has its educational-good-will film program ready.

Because of the intense nature of the survey, Donald Slesinger, head of the American Film Center, has resigned his post as director of education at the New York World's Fair. He had planned leaving the exposition job the first of the year, and arrangements for leaving consequently were amicable.

Survey of Latin-American will touch off tariff situation, quotas, censorship and other matters effecting film distribution. James T. Shotwell, of Columbia University, who is chairman of the Center's advisory committee, is cooperating with Slesinger in making the survey. The American Film Center also probably soon will make a survey of public health and social hygiene film possibilities for the New York City Department of Health, U. S. Public Health Service, and the American Social Hygiene Association.

YANK FIRMS NIX OVERTURES BY ITALY

After getting full details of Italy's six-month extension to its original distribution plan, representatives of eight American major film companies, meeting Monday (12) in Paris, reaffirmed their previous decision to stand firm in refusing to permit Italy's monopoly over U. S. distribution.

Italian government's new offer contained a little joker, as explained to the American reps in Europe. Joker would be to encourage American firms to stay in Italy and operate on present percentage terms but only if they would agree at the conclusion of the six-month period to transfer accounts from percentage to rental basis. Offer actually made only to one American film company to date. Although not specifically stated, understanding with U. S. companies is that full control of distribution would still be vested in the government.

Offer of extension has been interpreted in N. Y. as giving any company a legal out in carrying on any distribution agreement it has had with an Italian distributor.

EHLERS SISTERS ORG. MEX'S 1ST REEL FIRM

Mexico City, Dec. 13. Mexico's first newsreel company is to be organized here soon, under a reported government subsidy, by Adriana and Dolores Ehlers. Sisters are among the first Mexicans to engage in the technical end of a movie. In 1915 they secured a money grant from the Mexican government to make technical studies in Hollywood.

Ethel Shutta, Calgary Click Big in London Bows

London, Dec. 13. Calgary Bros., doubling from the Dorchester hotel, clicked big at the Coliseum here. At the Holborn, Senior Wences and Hickey Bros. & Ellis, latter just back from Africa, scored strongly, too.

Ethel Shutta, supported by the Four Bachelors, got over nicely at Cafe de Paris, opening yesterday (Monday).

McConville-Friedman, Of Col., Back in U. S.

Joseph A. McConville, general foreign sales manager for Columbia, accompanied by Joseph Friedman, managing director in England for Columbia, arrived in New York tomorrow (15). McConville spent six weeks abroad, and together with Jack Cohn, v.p., set up six Columbia exchanges in France, which will be under supervision of Alex Stein of company's French organization.

Conferences were also held in England and France having to do with operating methods, to meet changing conditions abroad. Friedman will confer with home office execs and spend Xmas holiday here before returning to England.

HUBERMAN RECOVERED

Violinist Marks Return to Concerts After Plane Crash

Cairo, Nov. 27. Bronislaw Huberman, Polish violinist, this week gave his first series of recitals to crowded houses in Cairo and Alexandria following the plane accident two years ago in the Dutch East Indies, in which he sustained a fractured left wrist and injuries to two fingers of his right hand, among other hurts. Doctors feared for a time that the violinist would never regain former use of his fingers.

So big was his success that he was signed to give a second concert in Cairo, for which all seats in the Ewart Memorial Hall of the American University have already been sold, one week before the recital.

'Snow White' Breaks B. O. Record in Egypt; Leads in Copenhagen

Cairo, Nov. 27. 'Snow White' (RKO) has now run four weeks at same cinema in Alexandria and has been booked for two weeks in Cairo. It has broken all records for non-Egyptian films in Egypt and its music is fancifully displayed in shop windows.

'Robin Hood' (WB) has run two weeks at Diana, Cairo. This is on tradition started by WB through Paul Muni in 'Zola' and 'Pasture', that its films always exceed the usual one week's run. 'Lasheen', current \$175,000 Arabic dialect, Mir Studios production of 11th century Egyptian story, has been playing to packed houses throughout the country. 'Lasheen' was banned for one year because the story dealing with a conspiracy against the Sultan was considered likely to have an unfavorable effect on the Egyptian public. Ahmed Salem, who had been director of Mir Studios when film was banned, was held responsible for the banning of 'Lasheen' and he was asked to resign. He has since started suit for \$50,000 against Mir Studios, alleging wrongful dismissal.

Copenhagen, Dec. 3. 'Snow White' (RKO) and 'Robin Hood' (WB) are setting the cinema pace here. The Walt Disney film is in its second month and looks like it'll last several more at Kino Palet. 'Robin Hood' has broken all records at Scala Bio. 'Carefree' (RKO), at Metropole, is doing well, although it's considered here to be not up to the usual Astaire-Rogers standard. 'Dead End' (UA) is a big hit at the Rialto and is expected to run at least two months at this cinema. 'The Vicious Lady' (RKO), at Paad-street, got fine notices, but surprised by folding after a few days. The old Valentino picture, 'The Sheik', released here by Paramount, was a big flop. It ran only a few days at one of the smallest Copenhagen cinemas, Kinografen, despite much publicity.

Dutch-Made French Pic

Amsterdam, Dec. 3. Disclosed that for the first time a French picture, 'Cinq Jours d'angoisse' ('Five Days of Fear'), will be produced in a Dutch studio, together with a correspondent Dutch version. The French-born Englishman, Edmond T. Greville, who recently directed the Dutch national picture, 'Veertig Jaaren' ('Forty Years'), wrote 'Cinq Jours d'angoisse', based on the crisis of last September.

Max Milder in U. S.

Max Milder, managing director for Warner Bros. in England, has arrived from Europe on a short vacation and for home office conferences. Warners' British organization will make 10 double-quota pictures for the United Kingdom, but do not contemplate making any triple-quota films. Among the more important films planned are two which may be distributed world-wide. One is a production based on the history of the Cunard line, and the other a picture produced around the Reuter's News Service.

MIER'S SPANISH TALKERS FOR UA

Felipe Mier, president of Cisa (Cinematografica Internacional S.A.), producing Mexican films for United Artists, is in New York conferring with Walter Gould and other UA execs. Gould last April worked out distributing deal with Mier for latter to produce six Spanish-language pictures for the Latin-American market, following production of the three originally contracted. First two have been delivered, 'Asi Es Mi Tierra' and 'Agula O Sol'; third arrived with Mier Saturday (10), titled 'Perjurio'.

UA is not financing Mier's productions, but may decide to help other Spanish producers with money, if necessary, in its campaign to develop the Latin market.

20TH-FOX TO DISTRIB SOLO IN SO. AFRICA

Joint distribution of pictures by 20th-Fox and United Artists Corp. in South Africa, mentioned by Arthur W. Kelly, UA foreign-head, before he sailed in October, has failed to eventuate. UA will open its own film exchange in Johannesburg some time next year and Kelly is now en route to New York, arriving in U. S. in January.

Both organizations are still reported having a 'community of interests' in So. Africa, but neither Walter J. Hutchinson, foreign head of 20th-Fox, nor Kelly have so far disclosed what these mutual arrangements are, or what they discussed in Johannesburg. A joint booking deal in African theatres is probably being worked out.

Japs Ban Crime Pic

Yokohama, Dec. 13. Local officials have banned showing of Warners' 'Crime School'. Reason given is that too much unrest among the populace makes it inadvisable to show the film.

Current London Plays

(With Dates When Opened)

'Frenz Without Tears', Criterion—Nov. 6, '36.
'Robert's Wife', Globe—Nov. 23, '37.
'The Man and the Girl', Victoria Palace—Dec. 16, '37.
'Nine Sharp', Little—Jan. 26, '38.
'Wild Oats', Princess—April 13, '38.
'Banana Ridge', Strand—April 27, '38.
'Glorious Morni', Whitehall—May 26, '38.
'Spring Meeting', Ambassador—May 31, '38.
'The Rusty Savoy', June 10.
'The Fleet's Lit Up', Hippodrome—Aug. 17.
'George and Margaret', Piccadilly—Aug. 30.
'Run, Riot, Riot', Gaity—Aug. 31.
'Flashing Stream', Lyric—Sept. 1.
'Room for Two', Comedy—Sept. 6.
'Dear Octopus', Queens—Sept. 14.
'The Corn Is Green', Duchess—Sept. 20.
'Goodbye, Mr. Chips', Shaftesbury—Sept. 23.
'Bobby Get Your Gun', Adelphi—Oct. 7.
'When We Are Married', St. Martin's—Oct. 11.
'Quiet Wedding', Wynham's—Oct. 14.
'Idiot's Delight', His Majesty's—Oct. 20.
'Elisabeth of Austria', Garrick—Nov. 3.
'Shoemaker's Holiday', Playhouse—Nov. 4.
'The Rusty Savoy', Apollo—Nov. 14.
'Gentlemen Unknown', St. James—Nov. 16.
'Traitor's Gate', Duke of York—Nov. 17.
'The Rusty Savoy', Nov. 22.
'Under Your Hat', Palace—Nov. 24.
'Story of African Farm', New—Nov. 30.

New So. Wales Legislation Forces Exhibs to Accept 15% British Prod.; U. S. Distributions, with 2 1/2%, Score Bill

2 LONDON TRYOUTS

Odets' Play Gets 'Respectful Silence'—Other Satisfactory

London, Dec. 13.

'To Love and to Cherish' opened at St. Martin's Sunday night (11). Sunday night performance by the London Playgoers Club of excellent play was well received, but has an unsatisfactory ending.

'Paradise Lost', Clifford Odets' play, was greeted with respectful silence when tried out Sunday night (11) by the Stage Society.

Sydney, Dec. 13.

The 25% rejection right on foreign, namely American, pictures, promises to become general in Australia. Operating in Victoria for some time, and soon to be invoked in New South Wales, South Australia and Tasmania apparently are next on the list.

A prominent exhibitor here, who controls a large circuit, claimed that distributors themselves are to blame because they have refused to play ball with Aussie exhibitors.

Sydney, Dec. 13.

Bill passed by the government of New South Wales makes it compulsory for exhibitors to show at least 15% British product annually. This in addition to granting exhibitors the 25% rejection right on foreign pictures. Government hopes that Great Britain will arrange reciprocity for local product.

A standard form of contract is to be introduced to the present legislative session and a Films Commission is to be appointed. Drastic part of the latter is that the Commission is empowered to enter the premises of any distributor or exhibitor to inspect contracts. Failure to live up to terms will bring a fine of \$400, plus the right to cancel either the exhibitor or distributor licenses.

Understood here that American distributors plan to challenge the entire bill. Their quota remains at 2 1/2%. Premier Stevens stated that the bill would not have been passed if Americans had complied with the old quota for New South Wales. U. S. distributors companies refused to comply with this quota on the grounds that it was unconstitutional. Stevens expressed the hope that U. S. companies now would give Australian pictures some break in their market. Government is expected to financially back local producers to a major extent in further establishing the film industry here, and is hopeful of nationalizing the quota later. Presently, each state has a quota.

Hoys circuit is reported against the high British percentage and say that the exhibitors here will lose heavily. New South Wales will grant reply to Greater Union and other independents claiming product shortage, it's understood. Government spokesman also has indicated that a stranglehold on any Australian organization will not be permitted (believed referring to Hoys circuit, in which 20th-Fox has a substantial interest).

The Commission, which is to be appointed shortly, will have three members holding no pecuniary interest in the industry. They will serve for five years. Stipulation of being able to examine contracts of any distributor or exhibitor is regarded as giving the Commission virtual control over the picture business in the state. American distributors' unofficial reply to the hint that the government here would like to see Australian films get a better break in the U. S. is that it's entirely up to the Aussie producers to make product that will draw in America.

Aussie Likes U. S. Pix

Washington, Dec. 13. Australian appreciation of American films, revealed in last week's report to the Department of Commerce from the office of the American Trade Commissioner at Sydney, shows that 67.3% of the 1,712 films examined by Australian censors during 1937 were of U. S. origin. United Kingdom films amounted to 459, or 26.8%, with 101, and 5.9%, coming from other countries. Australian motion picture theatres total 1,371, with a total seating capacity of 1,100,000, according to the report.

CROWD AT M-G'S OPENING

Opening of the new Metro theatre, San Jorge, in Bogota, Colombia, last week was attended by such a large crowd that police reserves had to be called, according to a cable received in New York. President Santos attended the opening. 'Marie Antoinette' was initial film.

REORG TOBIS CO. IN BERLIN

Berlin, Dec. 3.

Viennese Tobis-Sascha film company being revamped in staff as well as in name. New tag is to be Wien Film Co., with Fritz Hirt as president.

Staff to be recruited from among former Austrians. Acting contingent to consist of Austrian names. Director Karl Hartl heads the production department with Erich von Neusser as production manager.

Director Gustav Ucicky has already been signed and negotiations are under way to contract meggers Willi Forst and Luis Trenker, as well as the star, Paula Wessely. New studios under construction with capital set at 3,000,000 marks, (\$1,200,000). Production to start Feb. 1 and looks for 20 films per annum.

Eisenstein's Latest Deals with Teutonic Invasion of Russia

Moscow, Dec. 13.

Latest production made by Sergei Eisenstein, 'Alexander Nevsky', was completed last week.

Picture is a story of 13th century Russia and its fight against the invading Teutons. Music score by Serge Prokofieff.

PALESTINE ORCH OUT OF N. Y. FAIR; HABIMAH OK

Jerusalem, Nov. 27.

Plans to take the Palestine Orchestra to the U. S. for series of concerts during the New York's World Fair have been scuttled for the time being owing to lack of funds and absence of guarantee from American interests. Orchestra was founded three years ago by Bronislaw Huberman, concert violinist, who formed it with Jewish musicians from persecuted countries, mainly Germany, Poland and Austria.

The Habimah, however, Hebrew premier theatre group in the Holy Land, has completed plans for the trip to the States. Habimah ('The Stage') plans first on touring Europe, then doing a series of performances at the Fair's Palestine pavilion. It'll probably stick to the biblical subjects that made it well known.

Habimah got its start in Russia in pre-Red days under Stanislawski, but was booted out, subsequently fitting back and forth across Europe, looking for a home. Finally came to Palestine and has been here since. Group is building its own home in Tel Aviv at cost of \$150,000, most of it collected from private individuals.

ARNOLD ZWEIG BETTER

Tel Aviv, Nov. 27.

Arnold Zweig ('The Case of Sergeant Grisha') is recuperating in a Tel Aviv hospital from an auto smashup between Haifa and Tel Aviv.

Living in exile from Germany in Haifa's Mount Carmel, Zweig is reported slowly going blind. He dictates his material to his family.



World Premiere, Aldine, Philadelphia, December 15th

Selling Stocks

(Continued from page 3)

not expecting the strong upward spurts made by all three stocks in last week's stock market. Rise in the preference shares was more or less anticipated, but the large activity in Paramount common which pushed the stock up to within one point of the year's peak was surprising. It revived the old report that a common dividend was being contemplated.

However, conservative opinion in the Street was that while such a distribution was possible, company management probably would wait until it had two successful years under its belt before voting a common divvy. Not many believed the company had put two such successive years together thus far. Wall Street does not think such would be possible soon unless an unusually bright final quarter, possibly \$1,000,000 or more, is turned in by Par. Financial circles do not look for the final quarter of the year to be as bright as the fourth quarter this year.

Failure of Balaban & Katz Corp., principal theatre-owning subsidiary of Par, to declare a dividend on its common, usually made at this time of year, was an unpleasant bit of news. Particularly in view of \$4 per share declared last year around this time. Explanation simply was that since earnings were to be used in cutting down bank loans and other current accounts payable. Also explained that the divvy was declared in 1937 because of the undistributed profits tax.

Balaban & Katz, however, declared its usual quarterly dividend of \$1.75 on the 7% preferred. In connection with the failure to pay anything on the common, the company said that since Par owns the entire stock and the earnings of both are consolidated, omission of the divvy will have no effect on the reported earnings for Paramount's final 1938 quarter.

Official announcement of insurance coverage for more than 2,300 employees in company offices and in more than 1,000 theatres was made by John Babban, secretary-treasurer of Balaban & Katz. Coverage is for \$600,000, for employees of the operating company, Public Great States Theatres, Inc., and subsid. Complete cost will be met by employers, insurance being placed with Equitable Life Assurance Society.

S. E. C. Reports on 20th

Washington, Dec. 13.

Numerous recent transfers of stock interests of film company groups and floor tenants came to light last week in semi-monthly report of the Securities & Exchange Commission. Outstanding transactions made a substantial dent in Chase National Bank's investment in 20th-Fox.

While two of the chief officers also were active in the market, the Gotham bank unloaded 50,000 shares of 20th-Fox common in 15 batches spread over the entire month of October. Largest deal was sale of 25,000 shares on Oct. 25. Recapitulation shows the financial institution still has strings on 287,158 shares.

Other deals were purchase of 100 common by Sidney R. Kent and sale of 10,000 shares by Darryl Zanuck. The bank also reported unloading 10,000 shares of the \$1.50 preferred, keeping 671,916 of this breed. At the end of the month, Kent had 3,455 pieces of common while Zanuck had 132,130 common and 21,946 preferred.

Other Pix Stocks

Other: film trading included: Sale of 200 shares of Loew's common by Leopold Friedman, who hangs on to 612 shares.

Purchases of 400 and 500 Universal Corp. voting trust certificates, respectively, by Peyton Gibson and Daniel M. Sheaffer, while the holding company was picking up 2,000 shares of Universal Pictures common in three lots. Gibson had 800 v. t. c.'s in his own name, besides a stake in 26,500 certificates and 111,283 warrants owned by Darryl Zanuck. Capital Co. Statement showed Universal Corp. now controls 230,927 shares of Universal Pictures common, 220 pieces of first preferred and 20,000 of second preferred.

Unloading of Columbia Pictures certificates by Jack Cohn, whose stake means a dividend was passed by a stock dividend in September. Company head peddled 1,400 v. t. c.'s and garnered 810 more. His portfolio at last report contained 31,817 tickets.

Holdings of Preston Davis, newly-elected director of Universal Corp., were shown to include his stake in 26,500 certificates and 111,283 warrants held by Standard Capital Co.

In spite of talk of a pre-Christmas production lull, studios continue shooting, with 41 pictures facing the cameras, as of Dec. 7, and letup probably won't be reached until Xmas week. Having released or previewed total of 157 features and with 85 in the cutting rooms, plenty of product is on hand to take care of exhibition needs for several months.

Columbia

Features	Number of Pix Promised	Number Completed	New Shooting	New Balance to Be Placed	Stories in Preparation
Westerns	16	6	0	3	23
Serials	4	1	0	3	7
Total	60	15	4	8	33

Pictures now in the cutting rooms or awaiting previews are:

"CALIFORNIA FRONTIER," produced by Monroe Shafer; directed by Elmer Clifton; original screen play by Monroe Shafer; adapted by Arthur Hoerl; photographed by Eddie Linden. Cast: Buck Jones, Carmon Bailey, Jose Perez, Forrest Taylor, Milburn Stone, Stanley Blystone, Ernie Adams, Bob Terry, Carlos Villarias, Soledad Jimenez, Tom London, Billy Bletcher, Paul Ellis, Ray Teal, Carl McWhorter.

"SMASHING THE SPY RING," formerly titled **"INTERNATIONAL SPY,"** formerly titled **"SPY RING,"** produced by Jack Fier for Irving Briskin unit; directed by Christy Cabanne; no writing credits released; photographed by Allen Seigler. Cast: Fay Ray, Ralph Bellamy, Warren Hull, Regis Toomey, Walter Kingsford, Lorna Gray, Alan Dornan, Paul Whitney, Mae Wallace, John Tyrrell, Dick Curtis.

"NORTH OF SHANGHAI," formerly titled **"LIFE IS CHEAP,"** produced by Wallace MacDonald for Irving Briskin unit; directed by D. Ross Lederman; no writing credits released; photographed by Franz Planer. Cast: Betty Furness, James Craig, Kermit Keith, Joseph Downing, Honorable Wu, Cy Kendall, Lotus Liu, John Tyrrell.

"HOMICIDE BUREAU" (for 1938-39 release); associate producer, Jack Fier; directed by C. C. Coleman, Jr.; original screen play by Earle Snell; photographed by Benjamin Kilian. Cast: Bruce Cabot, Rita Hayworth, Robert Paige, Marc Lawrence, Ed Fetherston, Richard Fiske, Jane Morgan.

"WRECKAGE," produced by Larry Darmour; directed by Lewis D. Collins; screen play by Gordon Rigby and Tom Kilpatrick; photographed by James S. Brown, Jr. Cast: Jack Holt, Dolores Costello, Pert Kelton, Addison R. Hall, Ben Crane, Donald Briggs, Holme Herbert, Carol Wayne, Dorothy Granger, Maxine Leslie, Al Bridge, Emerson Treacy, Jack Rice, Harry Harvey, Ray Bourbon.

"THE THUNDERING WEST," formerly titled **"TRAIL OF THE TUMBLEWEEDS,"** produced by Harry Decker for the Irving Briskin unit; directed by Sam Nelson; original screen play by John Francis Royal; photographed by Lucien Ballard. Cast: Charles Starrett, Iris Meredith, Dick Curtis, Bob Nolan, Ed LeSaint, Frank Bell, Eddie Cobb, Art Mix, Slim Whitaker, Hal Taliaferro, Ed Peil, Dick Bottler, Robert Fiske.

"TEXAS STAMPEDE," formerly titled **"RIO GRANDE ROUNDUP,"** produced by Harry Decker for the Irving Briskin unit; directed by Sam Nelson; original screen play by John Francis Royal; photographed by Lucien Ballard. Cast: Charles Starrett, Iris Meredith, Sons of the Pioneers, Bob Nolan, Fred Kohler, Jr., Hank Bell, Raphael Bennett, Blackjack Ward, Lee Prather, Eddie Cobb, Ed Hearn, Frank Austin.

"LONE WOLF'S DAUGHTER," produced by Joseph Sistrom; directed by Peter Godfrey; screen play by Jonathan Latimer; photographed by Joseph Walker. Cast: Warren William, Ida Lupino, Virginia Weidner, Rita Hayworth, Marc Lawrence, Ralph Morgan, Don Beddoe, Ben Weiden, Leonard J. Tommy, James Millican, John Tyrrell, Marek Windheim, Bud Jamison, Lorna Gray, Stanley Brown, Beatrice Curtis, Lola Jensen, James Craig, Jack Norton, Anthony Hughes, Eddie Laughton, Vernon Dent, James Blaine, Frank Baker, Eddie Fetherston, Dick Curtis, Lou Evans, Dick Elliott, Helen Lynde.

"LET US LIVE," produced by William Perlberg; directed by John Braham; screen play by Anthony Veiller and Allen Rivkin. Cast: Henry Fonda, Maureen Sullivan, Ralph Bellamy, Henry Kolker, Alan Baxter, Stanley Brown, James Blaine, Frank Baker, Eddie Fetherston, Dick Curtis, Lou Evans, Dick Elliott, Helen Lynde.

"FLYING G-MEN," produced by Jack Fier for the Irving Briskin unit; directed by James Horne and Ray Taylor; no writing credits released; photographed by Benjamin Kilian. Cast: Robert Paige, Richard Fiske, James Craig, Lorna Gray, Don Beddoe, Forbes Murray, Dick Curtis, Sammy McKim, John Tyrrell, Stanley Brown, Eddie Laughton, Duke York, Cy Ring, James Millican, Curly Dresden, Martin Cickay, George Macgill.

"FIRST OFFENDER," produced by Lou Appleton for Irving Briskin unit; directed by Frank McDonald; no writing credits released; photographed by Lucien Ballard. Cast: Walter Abel, Rita Hayworth, Johnny Downs, Iris Meredith, Robert Sterling, John Tyrrell.

Grand National

Features	Number of Pix Promised	Number Completed	New Shooting	New Balance to Be Placed	Stories in Preparation
Westerns	26	6	0	3	17
Total	42	14	0	5	27

Pictures now in the cutting rooms or awaiting previews are:

"THE LONG SHOT," Fine Arts production for Grand National release; produced by Franklyn Warner; associate producer-director, Charles Lamont; screen play by Ewart Adamson; original story by Harry Beresford and George Callaghan; photographed by Robert Gordon. Cast: George Meeker, Harry Davenport, Marshall Hail, Henry Gordon, George Meeker, Harry Davenport, Kennedy, Earle Hodgins, Emerson Treacy, Guy Seabrook, Lee Phelps, Ben Burt.

"FURY IN THE SADDLE," produced by Arthur Driefuss; directed by Sam Diege; original screen play by Arthur Hoerl; photographed by Mack Stengler. Cast: Dorothy Page, Milton Frome, Vince Barnett, Linn Mayberry, Joseph Girard, Frank Ellis, Harrington Reynolds, Merrill McCormick, Pat Henning, Fred Cordova, Eddie Gordon, Lester Doerr, Walter Patterson, Snowy Equine.

"THE LAST BARRIER," Coronado production; produced by Donald K. Lieberman; directed by Samuel Diege; original screen play by Arthur Hoerl; photographed by Mack Stengler. Cast: Dorothy Page, David O'Brien, Vince Barnett, Ethel LeSaint, Lester Doerr, Gordon, Stanley Price, Warner Richmond, Merrill McCormick, Lloyd Ingraham, Ed Peil.

"LADY BUCKAROO," Coronado production; produced by Donald K. Lieberman; directed by Samuel Diege; original screen play by Arthur Hoerl; photographed by Mack Stengler. Cast: Dorothy Page, David O'Brien, Vince Barnett, Ethel LeSaint, Lester Doerr, Gordon, Stanley Price, Warner Richmond, Merrill McCormick, Lloyd Ingraham, Ed Peil.

"EXILE EXPRESS," produced by Eugene Frenke; directed by Otis Garrett; original by Edwin Justus Mayer; musical score by Dimitri Tiomkin; photographed by John Mesall. Cast: Anna May, Alan Marshall, Jerome Cowan, Walter Catlett, Fred Prouty, Leonid Kinsky, Irving Pichel, Feodor

To wind up current season, 297 pictures are needed against promised 580. Warners tops other lots with number in the cutting room, with 15 getting final scissoring. Paramount is next with 13, and needs only to roll 14 more features before completing schedule of 58, which doesn't include American release of British product.

Chaliapin, Addison Richards, Henry Roquemore, Byron Foulger, Stanley Fields, Harry Davenport, Spencer Charters, Etienne Girardot.

"THE TRIGGER PALMS," Cinemat Productions; produced by Philip N. Krasne; directed by Sam Newfield; original story by George Plympton and Ted Richmond; screen play by George Plympton. Cast: Arthur Jarrell, Lee Powell, Cal St. John, Dorcas Lee, Ernie Adams, Stanley Blystone, Ted Adams, Frankie Thane, Earl Douglas, Nina Guilbert, Ethan Allen, Bob Walker, Frank La Rue, Wally West, Carl Matthews.

Metro

Features	Number of Pix Promised	Number Completed	New Shooting	New Balance to Be Placed	Stories in Preparation
Westerns	50	14	7	6	23
Serials	1	0	0	1	1
Total	51	14	7	7	24

Pictures now in the cutting rooms or awaiting previews are:

"HONOLULU," produced by Jack Cummings; directed by Edward Buzzell; no writing credits released; photographed by Ray June. Cast: Eleanor Powell, Robert Young, George Burns and Gracie Allen, Eddie Anderson, Judith Allen, Jo Ann Sayres, Rita Johnson, Willie Fung, Clarence Kolb, Bert Roach.

"STAND UP AND FIGHT," produced by Mervyn LeRoy; directed by W. S. Van Dyke; no writing credits released yet; photographed by Oliver Marsh. Cast: Robert Taylor, Wallace Beery, Florence Rice, Helen Broderick, Charley Grapewin, Clinton Rosemond, John Qualen, Barton MacLane, Robert Gleckler, Claudia Morgan, Charles Bickford, Jonathan Hale.

"ICE FOLLIES OF 1939," produced by Harry Raff; directed by Reinhold Schunzel; no writing credits released; photographed by Oliver Marsh. Cast: Joan Crawford, James Stewart, Lew Ayres, Ice Follies troupe, Jo Ann Sayres, Joseph Standish.

"THE AWAKENING OF KATRINA," formerly titled **"KATHERINE, THE LAST,"** produced by Harry Raff; directed by Norman Taurog; screen play by Gerald Saal and Jack Mintz; photographed by Clive De Vinna. Cast: Francisca Gaal, Rita Johnson, Barnett Parker, Franchot Tone, Walter Catlett, Lillian Pangborn, Charles Jones, Priscilla Lawson, Reginald Owen, Billy Gilbert, Barbara Pepper.

"BURN 'EM UP O'CONNOR," formerly titled **"SKIDS,"** produced by Harry Raff; directed by Edward Sedgwick; no writing credits released; photographed by Lester Smith; cast: Dennis O'Keefe, Cecelia Parker, Ned Pendleton, Harry Carey, Charley Grapewin, Alan Curtis, Tom Neal, Truman Bradley, John Butler, Betty Ann Browne.

"SWEETHEARTS" (in Technicolor for 1938-39 season), produced by Hunt Stromberg; directed by W. S. Van Dyke; screen play by Alan Campbell and Dorothy Parker; photographed by Oliver Marsh. Cast: Jeanette MacDonald, Nelson Eddy, Mischa Auer, Frank Morgan, Ray Bolger, Herman Bing, Minna Gombel, Gene and Kathleen Lockhart, Raymond Walburn, Lucille Watson, Florence Rice, Reginald Gardiner, Allyn Joslyn, Fay Holden, Olin Howland, Terry Kilburn, Betty Jaynes, Douglas McPhail.

"I TAKE THIS WOMAN," formerly titled **"NEW YORK CINDERELLA,"** produced by Lawrence Weingarten; directed by Frank Borzage; original story by Charles MacArthur; photographed by Charles Lawton. Cast: Spencer Tracy, Hedy Lamarr, Fanny Brice, William Pidgeon, Thurston Hall, Carlos Valdez, Leonard Penn, Ina Claire, Marjorie Main, Louis Calhern, Lana Turner, Mona Barrie, Willie Best, Dwight Frye, Jack Carson, Frank Puglia.

"IDIOT'S DELIGHT," produced by Hunt Stromberg; directed by Clarence Brown; from play by Robert E. Sherwood; photographed by William Daniels. Cast: Clark Gable, Norma Shearer, Laura Hope Crews, Charles Coburn, Pat O'Brien, Joseph Schildkraut, Paula Stone, Edward Arnold, Burgess Meredith, Skeets Gallagher, Joan Marsh, Bernadene Hayes, Virginia Grey, Mitchell Lewis, Virginia Dale, Fritz Feld, Edward Roquello, Lorraine Krueger.

"THE WIZARD OF OZ" (Technicolor), produced by Mervyn LeRoy; directed by Victor Fleming; based on story by Frank L. Baum; photographed by Harold Rosson; for Technicolor, Allan Dacey. Cast: Frank Morgan, Judy Garland, Ray Bolger, Bert Lahr, Jack Haley, Charley Grapewin, Billie Burke, Margaret Hamilton, Pat Walsh.

"JACK RABBIT," produced by Joseph Mankiewicz; directed by Richard Thorpe; no writing credits released; photographed by John Seitz. Cast: Mickey Rooney, Walter Connolly, William Frawley, Elizabeth Risdon, Minor Watson, Harlan Briggs, Rex Ingram.

"WOMEN IN WHISKY," produced by Nat Levine; directed by S. Sylvan Simon; no writing credits released; photographed by Leonard Smith. Cast: Alan Marshall, Florence Rice, Ann Rutherford, Buddy Ebsen, Una Merkel, Mary Howard, Jessie Ralph, Kent Taylor.

"BROADWAY SERENADE," produced and directed by Robert Leonard; no writing credits released; photographed by Oliver Marsh. Cast: Jeanette MacDonald, Lew Ayres, Ian Hunter, Frank Morgan, Virginia Grey, Rita Johnson, William Gargan, Katherine Alexander, Franklin Pangborn, Esther Dale, Esther Howard, Al Shean, Maurice Moscovitz.

"SONG OF THE WEST," produced by and directed by Sidney Wagner. Cast: Nelson Eddy, Virginia Bruce, Lionel Barrymore, Victor McLaglen, Edward Arnold, Guy Kibbee, Allen Jenkins, H. B. Warner, Raymond Walburn, Charles Butterworth.

Monogram

Features	Number of Pix Promised	Number Completed	New Shooting	New Balance to Be Placed	Stories in Preparation
Westerns	26	6	0	3	17
Total	42	14	0	5	27

Pictures now in the cutting rooms or awaiting previews are:

"GANG BULLETS," produced by E. B. Derr; associate producer, Frank Melford; directed by Lambert Hillyer; original screen play by John T. Neville; photographed by Arthur Martinelli. Cast: Ann Nagel, Robert Kent, Charles Trowbridge, Morgan Wallace, J. Farrell MacDonald, John T. Murray, Arthur Loft, John Morton, Roger Williams, Duke York, Donald Kerr, Cator Ford, Stanley Mack, Harry Strang, Ernie Adams, Isabel Lammie, Martin Spellman, Tom McGuire, Bill Worthington, Bill Lally, Eddie Hearn, Frank Nelson, Jack C. Smith, Kerman Krippes, Frank LaRue, Frank Hall Crane.

"SONG OF BUCKAROO," formerly titled **"LITTLE TENDERFOOT,"** produced by Edward Finnerty; directed by Al Herman; original screen play by John Rathmell; photographed by Frances Corbey. Cast: Tex Ritter, Jinx Falkenberg, Mary Ruth, Charles King, Tom London, Dub Miller, Maurice Murphy, Frank LaRue, Bob Terry, Ernie Adams, Dave O'Brien, Dorothy Fay, Bud Osborne.

"WILD HORSE TRAIL," produced by Robert Tansey; directed by Bob Hill; original screen play by Robert Emmett; photographed by Bert Longenecker. Cast: Jack Randall, Dorothy Short, Frank Vaconelli, Walter Long, Dennis Moore, Charles King, Warner Richmond, John T. Murray, J. Farrell MacDonald, John T. Murray, Arthur Loft, John Morton, Roger Williams, Duke York, Donald Kerr, Cator Ford, Stanley Mack, Harry Strang, Ernie Adams, Isabel Lammie, Martin Spellman, Tom McGuire, Bill Worthington, Bill Lally, Eddie Hearn, Frank Nelson, Jack C. Smith, Kerman Krippes, Frank LaRue, Frank Hall Crane.

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(Continued on page 21)



FLASH . . this is New Year's Booking No. 278 on M-G-M's "SWEETHEARTS" with the total number of holiday bookings headed for an all-time industry high!

*(A typical telegram is the following from
John Hamrick, famed Seattle showman)*

METRO-GOLDWYN-MAYER

Last night we previewed "Sweethearts" and words fail me to properly describe this breath-taking, awe-inspiring Technicolor picture. I consider it the very finest subject made with these two great stars, Jeanette MacDonald and Nelson Eddy, and entire cast is wonderful. We open it here at the Fifth Avenue day before New Year's single bill with increased admission prices during New Year's Eve celebrations and confident will break house records. Kindest regards.

—JOHN HAMRICK, FIFTH AVE. THEATRE, SEATTLE, WASH.

Book this Paramount Christmas Special!...



...and hang up the profits!

Advance Production Chart

(Continued from page 21)

Republic

	Number of Promises	Number Completed	Now Shooting	Now Balance to Be Placed In Cutting Rooms	Stories in Preparation
Total	59	15	1	5	38

Pictures in the cutting rooms or awaiting previews:
'ORPHANS OF THE STREET', formerly titled **'STRONGHEART'**, produced by Herman Schlom; directed by Irving Pichel; original screen play by Earl Felton; photographed by Ernest Miller. Cast: Tommy Ryan, Robert Livingston, June Storey, Ace (canine), Harry Davenport, James Burke, Ralph Morgan, Sidney Blackmer, Victor Kilian.
'MYSTERY OF THE MIST', produced by Herman Schlom; directed by Gus Meins; screen play by Olive Cooper from original idea by George W. Yates; photographed by Ernest Miller. Cast: Michael Whalen, Mary Hart, Chick Chandler, Wade Boteler, Regis Toomey, Don Douglas, Mabel Todd, Frank M. Thomas, Dorothy Tree, Eddie Acuff, Pierre Watkin, Harlan Briggs.

'SHINE ON HARVEST MOON', produced by Charles E. Ford; directed by Joe Kane; original screen play by Jack Natterford; photographed by William Nobles. Cast: Roy Rogers, Mary Hart, William Farnum, Lulu Belle and Scotty, Chester Gunnels, Stanley Andrews, Jack Rockwell, Pat Henning, Frank Jaquet, Joe Wishead.

'FEDERAL MAN HUNT', produced by Armand Schaefer; directed by Nick Grinde; original by Sam Fuller and William Lively; screen play by Maxwell Shane; photographed by Ernest Miller. Cast: Robert Livingston, June Travis, Ben Welden, Horace MacMahon, Gene Morgan, Margaret Mann, Charles Halton, Sybil Harris, John Galloway, Jerry Tucker, Matt McHugh, Frank Conklin.

'FIGHTING THROUGH BRIBES', formerly titled **'KENTUCKY SWEEPSTAKES'**, produced by Armand Schaefer; directed by Sidney Salkow; screen play by Wally Toman; additional dialog by Franklin Coen; original story by Clarence E. Marks and Robert Wyler; photographed by Jack Marta. Cast: Ralph Byrd, Mary Carlisle, Robert Allen, George Hayes, Marvin Stephens, Charles Wilson, Kenne Duncan, Victor Kilian, Eddie Brian, Robert Warwig.

'PRIDE OF THE NAVY', produced by Herman Schlom; directed by Charles Lamont; screen play by Ben Markson and Sol Elkins; original by James Webb and Joseph Hoffman; photographed by Jack Marta. Cast: James Dunn, Rochelle Hudson, Gordon Oliver, Horace MacMahon, Gordon Jones, Charlotte Wynters, Joseph Crehan, Charles Crowbridge, Harry Anderson, Roy Brent, Henry Phillips Schuler, Clark Morgan, Field Norton.

20th Century-Fox

	Number of Promises	Number Completed	Now Shooting	Now Balance to Be Placed In Cutting Rooms	Stories in Preparation
Total	55	22	3	9	21

Pictures in the cutting rooms or awaiting previews are:
'GIRL FROM BROOKLYN', formerly titled **'BY THE DAWN'S EARLY LIGHT'** (for 1938-39 season), produced by Edward Kaufman; directed by Gregory Ratoff; original by Gene Markey; photographed by Karl Freund. Cast: Warner Baxter, Alice Faye, Charles Winninger, Keye Luke, Arthur Treacher, Willie Tung, Louis L. Lomax, Cesar Romero, Arthur Treacher.

'THE LITTLE PRINCESS' (in Technicolor), produced by Gene Markey; directed by Walter Lang; screen play by Ethel Hill and Walter Ferris; based on novel by Frances Hodgson Burnett; photographed by Arthur Temple, Technicolor photography by William Skott. Cast: Shirley Temple, Richard Greene, Anita Louise, Walter Catlett, Cesar Romero, Arthur Treacher, Mary Nash, Sybil Jason, Miles Mander, Marcia Mae Jones, Deidre Gale, Ira Stevens.

'TAIL SPIN', produced by Harry Joe Brown; directed by Roy Del Ruth; original screen play by Eric West; photographed by John Mescall. Cast: Alice Faye, Constance Bennett, Nancy Kelly, Joan Davis, Charles Farrell, Jane Wyman, Kane Richmond, Wally Vernon, Joan Valerie, Robert Lowery, Edward Norris, J. Anthony Hughes, Jack Pennick, Warren Hymer.

'THE THREE MUSKETEERS', produced by Raymond Griffith; directed by Allan Dwan; music by Max Klinger; photographed by Walter Bullock and Samuel Pokras; screen play by M. M. Musselman, Walter Bullock and Sam Hellman; special Ritz Brothers material by Sid Kuller and Ray Golden; photographed by Peverell Marley. Cast: Ritz Brothers, Don Ameche, Gloria Stuart, Pauline Moore, Binnie Barnes, Joseph Schildkraut, John C. King, Lionel Atwill, Douglass Dumbrille, Miles Mander, Russell Hicks.

'JESSE JAMES' (for 1938-39, in Technicolor), produced by Nunnally Johnson; directed by Henry King; original screen play by Nunnally Johnson; photographed by George Barnes. Cast: Tyrone Power, Henry Fonda, Nancy Kelly, Wally Vernon, John Carradine, Edward Bromberg, Brian Donlevy, Douglas Fowley, Jane Darwell, Donald Meek, Ernest Whitman.

'KENTUCKY' (in Technicolor), produced by Gene Markey; directed by David Butler; screen play by Lamar Trotti and John Taintor Foote; from novel, 'Look of Eagles' by John Taintor Foote; photographed by Ernest Palmer. Cast: Loretta Young, Richard Greene, Walter Brennan, Ralph Morgan, Willard Robinson, Douglas Dumbrille, James West, Charles Waldron, Karen Morley, Ward Robinson, Moroni Olsen.

'WIFE, HUSBAND AND FRIEND', produced by Nunnally Johnson; directed by Gregory Ratoff; no writing credits released; photographed by Ernest Palmer. Cast: Loretta Young, Warner Baxter, Binnie Barnes, George Barbier, Eugene Pallette, Franklin Pangborn, J. Edward Bromberg, Helen Westley, Ruth Terry, Harry Rosenthal, Edward Cooper, Iva Stewart, Alice Armand, Dorothy Dearing, Jay Griffith, Helen Ericson.

'CHASING 'DA MONSTER', formerly titled **'DANGEROUS CARGO'**, produced by Sol M. Wurtzel; directed by Ricardo Cortez; no writing credits released; photographed by Virgil Miller. Cast: Preston Foster, Lynn Bari, Wally Vernon, Henry Wilcoxon, Joan Woodbury, Harold Huber, Jody Gilber.

'CHARLIE CHAN IN HONOLULU', produced by John Stone; directed by H. Bruce Humphrestone; no writing credits released; photographed by Charles Clarke. Cast: Sidney Toler, Phyllis Brooks, Eddie Collins, Claire Dodd, George Zucco, Robert Barrat, Marc Lawrence, Richard Lane, John King, Sen Yung.

'WINNER TAKE ALL', produced by Jerry Hoffman; directed by Otto Brower; no writing credits released; photographed by Edward Cronjager. Cast: Tony Martin, Gloria Stuart, Slim Summerville, Henry Armetta, Robert Allen, Johnny Hiron, Jr.

'MR. MOTO IN PORTO RICO', produced by Sol Wurtzel; directed by Herbert Leeds; no writing credits released; photographed by Lucian Androit. Cast: Peter Lorre, Amanda Duff, Jean Hersholt, Leon Ames, Robert Lowery, Warren Hymer, Richard Lane, Paul Harvey, Charles D. Brown.

'JONES FAMILY IN HOLLYWOOD', associate producer, John Stone; directed by Mal St. Clair; no writing credits released; photographed by Edward Snyder. Cast: Ted Prouty, George Ernest, June Carlson, Spring Byington, Florence Roberts, Kenner Coughlin, June Gale, Billy Mahan, Marvin Stephens, Matt McHugh, William Tracey.

United Artists

	Number of Promises	Number Completed	Now Shooting	Now Balance to Be Placed In Cutting Rooms	Stories in Preparation
Samuel Goldwyn	4	1	1	0	2
Selnick	2	1	0	0	2
Warner Wanger	2	1	0	0	2
Chaplin	7	0	0	0	1
Roach	8	1	1	1	5
London Films	5	2	0	0	3
Edward Small	5	1	1	0	3
Total	33	6	4	3	20

Pictures in the cutting room or awaiting previews are:
'TRADE WINDS', produced by Walter Wanger; directed by Tay Garnett; screen play by Dorothy Parker, Alan Campbell and Frank R. Adams

from original story by Tay Garnett; photographed by Rudolph Malt, Cast: Fredric March, Joan Bennett, Alan Bellamy, Alan Baxter, Robert Emmett O'Connor, Patricia Farr, Wilma Francis, Kay Linker, Dorothy Tree, Phyllis Barry, Walter Bryon, Wilson Benge, Harry Paine, Hooper Atchley, Franklin Parker, Lee Phelps, John Webb Dillion, Dick Raen, Mrs. Sojin, Gloria Youngblood, Ethelreda Leopold, Marie DeForest, Earl Wallace, Princess Luana, Patricia Arburv, Iko Magara, Suzanne Kaaren, Lotus Liu, Robert Elliott, Sidney Blackmer.

'TOPPER TAKES A TRIP', produced by Milton H. Bren for Hal Roach; directed by Norman Z. McLeod; screen play by Jack Jevne and Eddie Moran from the Thorne Smith novel; photographed by Norbert Brodine. Cast: Constance Bennett, Roland Young, Billie Burke, Alan Mowbray, Verree Teasdale, Alexander D'Arcy, Franklin Pangborn, Leon Belasco, Irving Pichel.

'MADE FOR EACH OTHER', produced by David O. Selznick; directed by John Cromwell; screen play by Jo Swerling; photographed by Leon Shamroy. Cast: Carole Lombard, James Stewart, Lucile Watson, Donald Briggs, Charles Arthur Hoyt, Ruth Weston, Nella Walker, Harland Rentschler, Ector Dale, Edwin Maxwell, Wally Marshall.

United Artists Pix Now in Production

'STAGECOACH', produced by Walter Wanger; directed by John Ford; screen play by Dudley Nichols; photographed by Ernest Haycox; photographed by Bert Glennon. Cast: Claire Trevor, John Wayne, Andy Devine, George Bancroft, John Carradine, Donald Mack, Louise Platt, Tim Holt, Thomas Mitchell, Berton Churchill, Florence Lae, Chris Martin, Francis Ford, Yvonne De Carlo, Nora Cecil, Paul McVey, Lee, Corneille Keefe, Jack Pennick, Lou Mason, Brenda Fowler, Chief Big Tree, Harry Tenbrook, Kent Odell, Margia Ann Daughton, Lloyd Ford.

'IT'S SPRING AGAIN', produced for Hal Roach by A. Edward Sutherland; based on story, 'Zenobia's Infidelity,' by H. C. Bunner; photographed by Carl Luss. Cast: Oliver Hardy, Harry Langdon, Alice Brady, Billie Burke, Jean Parker, John Hays, James Ellison, Stepin Fetchit, Hattie McDaniel, J. Farrell MacDonnell.

'WUTHERING HEIGHTS', produced by Samuel Goldwyn; directed by William Wyler; from novel, by Emily Bronte; photographed by Greg Toland. Cast: Merle Oberon, Laurence Olivier, Hugh Williams, Flora Robson, Geraldine Fitzgerald, Leo C. Carroll, David Niven, Donald Crisp.

'KING OF THE TURF', produced by Edward Small; directed by Alfred E. Green; screen play by George Bruce; photographed by Robert Plank. Cast: Adolphe Menjou, Roger Daniel, Alan Dinehart, Tom Hanlon, Oscar O'Shea, Snowflakes, Cliff Nazario, Smoky Saunders, Charles Borel, George McKay, Harold Huber, William Demarest.

Universal

	Number of Promises	Number Completed	Now Shooting	Now Balance to Be Placed In Cutting Rooms	Stories in Preparation
Total	45	22	3	16	16

Pictures in the cutting rooms or awaiting previews:

'GAMBLING SHIP', formerly titled **'LADY LUCK'**, produced by Irving Stash; directed by Gregory Scott; screen play by Alex Gottlieb; photographed by George Meehan. Cast: Robert Wilcox, Helen Mack, Ed Brophy, Joseph Sawyer, Selmer Jackson, Sam McDaniels.

'SCOUTS TO THE RESCUE', formerly titled **'THE EAGLE SCOUT'** (serial), produced by Henry MacRae; co-directed by Ray Taylor and Alan Jones; original story by L. Ling Crump; screen play by William Gillette and Charles Grayson; photographed by Lester Cole and William Sickner. Cast: Jackie Cooper, Lucy Gilman, William Ruhl, David Durand, Ralph Dunn, Frank Coghlan, Jr., Sidney Miller, Jason Roberts, Victor Adams, Richard Botlier, Bill Cody, Jr.

'BUCK ROGERS' (serial), produced by Barney Sarecky; co-directed by Bud Beebe and Saul Goodkind; screen play by Norman Hall and Ray Hamey; cartoon strip by Dick Calkins and Phil Nolan; photographed by Jerry Ash. Cast: Larry Crabbe, Constance Moore, Reed Howes, Wheeler Oakman, Jackie Moran, Carleton Young, Henry Brandon, Philson Ahn.

'NEWSBOYS' HOME', produced by Ken Goldsmith; directed by Harold Young; original by Gordon Kahn; screen play by Gordon Kahn and Charles Grayson; photographed by Milton Krasner and John W. Boyle. Cast: Jackie Cooper, Edmund Lowe, Wendy Barrie, Elisha Cook, Jr., Joe Crehan, William Gould, Edward Norris and the Little Tough Guys—Harris Berger, Halley Chester, Charles Duncan, David Gorcey and William Benedict.

'HONOR OF THE WEST', formerly titled **'SINGING SHERIFF'**, produced by Trem Carr; associate producer, Paul Malvern; directed by George Waggner; original screen play by Joseph West; photographed by Harry Neumann. Cast: Bob Baker, Marjorie Bell, Carleton Young, Jack Kirk, Glenn Strange, Forrest Taylor, Frank Ellis.

'PIRATES OF THE SKIES', formerly titled **'PLANE 66'**, produced by Barney Sarecky; directed by Joe McDonough; screen play by Lester Cole and Ben Grauman Kohn from original story by Lester Cole; photographed by Jerry Ash. Cast: Kent Taylor, Rochelle Hudson, Marion Martin, Lucien Littlefield, Stanley Andrews, Horace MacMahon, Ray Walker, Frank Puglia, Guy Usher, Eddie Chandler, Henry Brandon, John Hays.

'PHANTOM STAGE', produced by Trem Carr; directed by George Waggner; original screen play by Joseph West; photographed by Harry Neumann. Cast: Bob Baker, Marjorie Reynolds, George Cleveland, Forrest Taylor, Reed Howes, Murdoch McQuarrie, Glenn Strange, Frank Ellis, Ernie Adams, Jack Kirk.

Universal Pix Now in Production

'SON OF FRANKENSTEIN', directed by Rowland V. Lee; original screen play by Willis Crook; photographed by George Robinson. Cast: Basil Rathbone, Boris Karloff, Bela Lugosi, Lionel Atwill, Josephine Hutchinson, Emma Dunn, Donnie Dunagan, Edgar Norton, Perry Evans.

'YOU CAN'T CHEAT AN HONEST MAN', associate producer, Lester Cowan; directed by George Marshall; original story by Charles Bogert; photographed by Milton Krasner. Cast: W. C. Fields, Edgar Bergen and 'Charlie McCarthy', Princess Bea.

'THREE SMART GIRLS GROW UP', produced by Joe Pasternak; directed by Henry Koster; original screen play by Bruce Manning and Felix Jackson; photographed by Joseph Valentine. Cast: Deanna Durbin, Nan Grey, Helen Parrish, Charles Winninger, William Lundigan, Ernest Cossart, Robert Cummings, Nella Walker.

Warners

	Number of Promises	Number Completed	Now Shooting	Now Balance to Be Placed In Cutting Rooms	Stories in Preparation
Total	52	11	7	15	19

Pictures in the cutting rooms or awaiting previews are:

'BLACKWELLS ISLAND', produced by Bryan Foy; directed by William McGann; original screen play by Crane Wilbur and George Lucas; photographed by Sid Huxley. Cast: John Garfield, Rosemary Lane, Morgan Conway, Peggy Shannon, Dick Purcell, Lottie Williams, Stanley Fields, Charley Foy, Norman Willis, Granville Bates, Raymond Barley, Jimmy O'Garty, Wade Boteler, William Davidson, Walter Young.

'THEY MADE ME A CRIMINAL', produced by Benjamin Glazer; directed by Busby Berkeley; screen play by Sig Herne; photographed by Elmer G. Elmer. Cast: John Garfield, Beulah Bondi, Claude Rains, Billy Halop, Huntz Hall, Leo Gorcey, Gabriel Dell, Bobby Jordan, Bernard Punsley.

'OFF THE RECORD', formerly titled **'LOVE BITES MAN'**, formerly titled **'UNFIT TO PRINT'**, produced by Sam Bischoff; directed by James Flood; screen play by Earl Bressler; photographed by James Hove. Cast: John Garfield, Gloria Dickson, Beulah Bondi, Claude Rains, Billy Halop, Huntz Hall, Leo Gorcey, Gabriel Dell, Bobby Jordan, Bernard Punsley.

'DEVIL'S ISLAND', formerly titled **'RETURN OF DR. X'**, produced by Bryan Foy; directed by William Clemens; no writing credits released as yet; photographed by George Barnes. Cast: Boris Karloff, Leonard Mudie,

Scribe Pacts

(Continued from page 5)

has been certified by the NLRB as bargaining representative for all writers, and that any disputes over credits should be arbitrated by that organization. The producers answer that they have a bona fide contract with the SP, and that the courts have not yet passed on designation of SWG to represent writers exclusively.

No Action Till '39

In the meantime, SWG is awaiting a decision by Dr. Towne Nylander, regional director of the NLRB, on its complaints charging the major companies with unfair labor practice for refusing to recognize the certification of NLRB. Bernard L. Alpert has been assigned by the NLRB as special attorney to handle the complaints. He was formerly with the New York, Conn. and San Francisco offices of the NLRB. No definite action is expected until after the holidays.

Tentative agreement to eliminate the licensing clause requiring modification of existing contracts between agents and their clients and to extend one year maximum for contracts to two or three years has been reached by representatives of the Screen Actors Guild and the Artists Managers Guild. Code of ethics for agents is now being drafted by Laurence W. Bellenson, SAG counsel, and Judge Byron C. Hanna. Pact must be approved by memberships of both organizations.

Screen Actors Guild at conference with studio flacks softened attitude toward publicity interviews with stars and featured players. Murray Kinell explained that unless a film player had already worked eight hours when interview was requested, the time consumed was not to be figured work-time for any purpose. He stated that actor could be called to studio for publicity interviews on any day on which he or she was not working for producer without cost to the company.

\$60,000 Worth of Extras

Rush to complete production before holidays resulted in extras required a \$60,000 Christmas present for work during the holidays in December. Central Casting Corp. handed out 5,924 jobs in seven days, which figured on daily average earning of \$10.15, means that extras divided nearly \$9,000 daily.

Edward G. Robinson, Edward Arnold, Franchot Tone and other stars have been subpoenaed as witnesses in suit of Seymour Simons against the SAG over discontinuance of Screen Guild magazine. Trial is set for Jan. 15. Simons is seeking to recover several thousand dollars from SAG which he claimed were earned in advertising fees or would have accrued to him had the publication been continued.

Class B Council of the SAG has recommended to the board of directors that union checkers be appointed to assist regular checkers on studio sets. Board agreed to appoint a committee to investigate the feasibility of the plan. Probable that checkers will be trained but used only in emergency. Recommendation was submitted by Major Philip J. Kieffer, chairman of Class B Council. Theodore Lorch, vice chairman, and Adabelle Driver, secretary. These three were appointed to sit with board under new by-laws when legislation initiated by junior members is considered.

Screen Readers Guild has filed petition with NLRB for certification as bargaining representative for all readers in the industry. Petition was signed by George Bodie of Pacific Coast Label, Inc. The Company named as respondents are Columbia, Samuel Goldwyn, Metro, Paramount, RKO-Radio, 20th-Fox, Universal and Warners.

George Gerwing has been named secretary of Los Angeles chapter of the American Federation Radio Artists. Former Federal Theatre Project director succeeds Norman Field, who resigned to devote his entire time to acting and directing.

Studio rush to complete productions shooting and prepare for 1939 schedules exhausted available supply of studio laborers last week. All workers on call sheets were used to fill calls from Columbia, Metro, Selznick, Republic, Dornay and Tallman. L. C. Helm, business representative of Studio-Utility Employees Local 724, threatened to telephone members at home and calling on downtown locals for men.

ROXY CROWDS IN UPROAR!

**— reviewers applaud 20th's
smash Holiday laugh-show!**

"Aroused high glee in Roxy audience! A dandy comedy!"—N.Y. Daily Mirror

"All the laughing you can stand this week!"—N.Y. Post

*"Sure-fire! Audience reaction loud and laudatious!"
—M. P. Daily*

"Customers laughed themselves into tears and out again!"—M. P. Herald

*"Will add countless dollars to boxoffice returns!"
—Picture Reports*

*"Must click heavily in all showings! Comedy at its
brightest!"—Boxoffice*

"Best picture of the week!"—Jimmie Fidler

*"A top notcher! Boisterous laughs hit first-line classi-
fication!"—L. A. Times*

*"An audience natural! Swell entertainment for every-
body!"—Showmen's Trade Review*

"THANKS FOR EVERYTHING"

**—For Christmas cheer
at your theatre!**



THE KEYSTONE
OF YOUR FUTURE



Inside Stuff—Pictures

Shooting of Hollywood pictures requires a vast amount of gunpowder as well as celluloid. Current cycle of war and western films has caused a boom in the armament business. Two weeks of make-believe strife burned up 175,000 rounds of ammunition. In the last year the J. S. Stenbridge Co. has kept an extra force working overtime cleaning and repairing rifles, pistols and cannon. Films requiring heavy ordnance at present are 'Hotel Imperial,' 'Union Pacific,' 'Juarez,' 'Oklahoma Kid,' 'Dodge City,' 'Stage Coach' and 'Heritage of the Desert.' RKO used 500 rifles in 'Gunga Din,' and the weapons are being cleaned up for Sam Goldwyn's 'The Last Frontier.'

George Jessel and Norma Talmadge propose leaving California and establishing a permanent residence in Miami Beach. According to him, Miss Talmadge will dispose of her interests on the Coast in the near future. Both have sojourned in Florida during the winter period for a number of years. Jessel will commute between New York and Miami during the season now opening. He is interested in the presentation of 'Spring Meeting,' an English comedy which opened at the Morosco, N. Y., last week, but will continue cafe and theatre appearances.

Estimate of Bob Love, custodian of the Will Rogers memorial in Claremore, Okla., that approximately 150,000 visitors have passed through the memorial since its dedication Nov. 4.

With Oklahoma cars dominating on Sundays, Love estimates that 57% of the autos parked on the memorial hill weekdays are from out of the state.

Gift books of tickets good to any RKO theatre, as a stunt for Christmas, went on sale Friday (9) throughout the circuit. They are being sold in \$3 and \$5 denominations, with books containing 5c. and 10c. coupons that are exchanged for admissions. They are good for any RKO houses in the country regardless of where purchased.

'March of Time' is reported pleased with new economical operation of its monthly release which combines only one or two subjects instead of trying to handle three topics. New style of one or two topics is said to be responsible for economy in production.

When 'Four Daughters,' featuring the Lane girls, Priscilla, Lola and Rosemary, played their home town of Indianapolis, Ia., a new all-time attendance record was established at the Empress, where 1,850 tickets were sold for six shows during the film's three-day run.

Gale Page mentioned in St. Louis dispatch last week as having been divorced by Charles B. Pring is not the Gale Page of NBC radio and Warner Bros. pictures.

ASTOR'S TAKEOVER OF ATLANTIC PICS

Atlantic Pictures Corp., a subsidiary distributing organization of Educational Pictures Corp., under management of R. M. Savini, it is reported, will be taken over as of Dec. 19 and all product released hereafter by Astor Pictures Corp., headed by Savini.

Approximately 40 pictures are involved, including Howard Hughes and Mary Pickford reissues, Kelly-Bischoff-Saal features and others.

Brush Up Barrymore Play for Broadway

Jerry Horwin, who co-authored 'My Dear Children' for Brock Pemberton with Katharine Turner, is now in New York refurbishing the play for John Barrymore. Latter's wife, former Elaine Barrie, will have a relatively minor supporting role.

Show doesn't start rolling until after Jan. 1. Antoinette Perry to stage.

Eastern SAG Meets Next Tues. (20) in N. Y.

General membership meeting of the eastern division of the Screen Actors Guild will be held next Tuesday (20) at the Astor hotel, New York. Principal business of the session will be a report on the modified production contract negotiated last week by Kenneth Thomson, Guild executive-secretary, during his stay in New York, and the various studios that have signed it.

Signers so far are Triple A Productions (which inked it in advance) and West Coast Service Studios. Balance have indicated their signatures will be forthcoming in the next few days. They include Mentone, Tri-Pictures, Audio, Caravel and Castle.

Skouras' Gold Card

Los Angeles, Dec. 13. Friendship between capital and labor took the form of a solid gold, diamond-studded union card, presented to Charles P. Skouras, prez of Fox West Coast Theatres, by six locals of the International Alliance of Theatrical Stage Employees.

Skouras, accepting the award, said he recognized the time is here for business to look upon union labor with a more friendly understanding in order that better co-operation may be accomplished.

Sally Rand's 'Strip' Film Passed—But How!—in Pa.

Philadelphia, Dec. 13. Penny Censor Board has finally passed Sally Rand's starrer, 'Sunset Strip Murder,' but has practically hacked it up beyond practical value. Final passage, too, of the Grand National flicker, is being held up pending approval of the advertising matter.

'Professor Mamlock,' anti-Nazi film, was okayed by the censors without a cut. 'Baltic Deputy' has also finally been passed, but only on instruction of the State supreme court. Both are Amkino pix and both are slated for the State theatre.

Kansas City, Dec. 13. Mrs. Eleanor C. Walton is new film censor for K. C. Jerry Ryan, director of welfare, announced last week.

Mrs. Walton succeeds the late Guy Holmes, who held the office for several years.

Kalcheim Settles Mabel Todd's Commission Suit

Los Angeles, Dec. 13. Jack Kalcheim, Chicago agent, agreed to an out-of-court settlement of his \$30,000 suit against Mabel Todd, Warner contractee. Agent claimed Miss Todd failed to pay him commissions, although he was instrumental in arranging the Warner contract.

Case involved the question of Kalcheim's right to make a film contract without a California license. Agent contended his Illinois license was sufficient.

Angels with Roused Lips

Hollywood, Dec. 13. Madeleine Carroll and Fred MacMurray get the top spots in 'Angels in Furs,' a drama of the north to be produced by Jeff Lazarus at Paramount in March.

Story deals with the adventures of an aviator and a missionary nurse.

F. P. Can.'s Extra 50c Famous Players Canadian Corp. voted an extra dividend of 50c plus the regular 15c quarterly this week. Makes 80c that has been paid thus for this year, and 20c more than in 1937.

Western Electric yesterday (Tuesday) voted 25c. cash divvy on its common, payable Dec. 28 to stock on record, Dec. 23.

Tiny Town

Hollywood, Dec. 13. Munchkin Village, tallest interior set in the history of Metro studio, is under construction for 'The Wizard of Oz.'

Miniature town, designed to house 104 dwarfs, contains a central tower 90 feet high.

90 Philly Indies Form New Ass'n; To Join Allied

Philadelphia, Dec. 13. New indie exhib organization got officially under way here last week with a meeting of about 50 operators, representing 90 theatres, at the Broadway hotel. It was christened Allied Independent Theatre Owners, Inc., of Eastern Pennsylvania. Charter was immediately applied for to the Allied States Association.

Sid Samuelson, former prez of New Jersey Allied, and Abram F. Myers, of National Allied, addressed the meeting on the need for solidarity and a strong exhibitor body. At a confab yesterday (Monday) of the board of governors of the new group, Samuelson was virtually agreed upon as biz manager. It was understood he will receive in the neighborhood of \$7,500 a year with an assistant getting about \$5,000.

Budget of about \$22,000 was approved at last week's general membership meeting. Schedule of dues was also agreed under which houses with 1,000 or more seats will pay \$5 a week; 600-999 seats, \$4 a week; fewer than 600 seats, \$3 a week, and houses running less than five days a week, \$2 a week. Levy is payable in weekly installments through checks post-dated successively for a year in advance. It was agreed that the first two months dues should be paid in before the end of the current year to give the organization working capital. Many exhibs got up at once and paid sums on account of dues running up to \$500 in order that the Allied unit could get started immediately.

In order to avoid 'one-man' control, which exhibits felt caused the present unpopularity of United Motion Picture Theatre Owners, rival and original exhib organization here, it was voted to run Allied through a board of directors. Following were named as a temporary body: Dave Milgram, Allen Benn, Morris Wax, Milton Rogasner, Ben Ferial, Columbus Stamp, Harry Perelman, Charles Stiefel, Harry Fried, David Yaffe, Henry Sork, Raymond Schwartz, Cecil Felt, Luke Cring, E. B. Gregory and Lou Rovner.

In the meantime, UMPTO secretary George P. Aarons indicated that the group will refute the charges of autocratic control leveled against Lewen Pizor, prez, by holding an election some time in January. There have been no elections since the body was organized by an amalgamation of the old MPTO and Independent Exhibitors Protective Association more than two years ago.

Aarons also declared that UMPTO is entirely unworried by the offshoot body, as practically none of the members has ever paid dues. He admitted that aside from some upstate members, UMPTO has been supported practically wholly by affiliated circuits, Warners and Comerford.

Fox's Foreign 'Rapture'

'Dark Rapture,' Armand Denes' picture, will be distributed worldwide, with exception of the U. S. and Canada, by 20th-Fox, in a deal closed with Denis last week.

Universal controls the U. S. rights only.

TURN 'ER OVER

Hollywood, Dec. 13. 'Sky Pilot,' first of the 'Tailspin Tommy' series at Monogram, takes off tomorrow (Wed.) with Paul Malvern producing and George Wagner directing.

Series comprises six pictures based on newspaper strip. John Trent will have the male lead in all pictures.

Nissleys and Eliopoulos Disclose Midwest Nabe Chain Ambitions Via S.E.C.; Other New Theatre Bldg.

Washington, Dec. 13. Chain ambitions of three Gary, Ind., promoters were unveiled last week in documents presented to Securities & Exchange Commission in support of Fix Theatre Circuit, Inc., request for right to register 50,000 shares of non-voting stock. Recently organized firm hopes to build up a string of neighborhood houses in the middle west, starting with three Kansas City, Mo., theatres.

Papers cover Class A stock with par value of \$5 to be put on the market via Warren Franklin Corp. of Chicago at \$6, with the underwriter taking the spread. Incorporation born Dec. 15, 1937, and has options to buy the three houses with which it expects to begin operations.

Planning to use the proceeds from the stock offering to acquire real estate and equipment and to provide working capital, the promoters said that out of the anticipated profits they will build or buy one more house each year. Operation will be 'in towns or cities of average population where rents and labor costs are moderate.' Confidence that the venture will be successful was based on conviction that the public is bound to rely on cinema amusement for its relaxation and that improved quality of recent films will insure expanding patronage.

Organizers, who will hold all the 50,000 shares of voting stock, are Samuel B. Nissley, president; S. H. Nissley, v.p., and Alexander C. Eliopoulos, secretary-treasurer. All from Gary. Will get complete control because of their advance cash contributions and investment of many months laying the foundations. S. B. Nissley will own 23,000 shares of the B common or 46%; S. H. Nissley 25,000 shares or 4%; and Eliopoulos 25,000 shares or 50%. No salaries paid yet but the promoters recently decided the prey is worth \$7,800 a year, the v.p. \$5,200, and the secretary-treasurer \$6,500.

With authorized capitalization of \$300,000, the company plans to purchase the Colonial, Mary-Lou, and Ritz theatres in K. C. Paying \$42,500 for the first two and \$20,000 for the other. Additional \$20,000 will be spent for equipment.

Griffith Loses Again Minneapolis, Dec. 13.

By turning down the application of H. L. Griffith to build a new \$150,000 neighborhood showhouse for the 'tenth time, the city council again affirmed its policy to refuse to allow any further theatre construction here on the grounds that the city already is overated and additional showhouses would lower the quality of entertainment and jeopardize present investments.

The Griffith license also has been granted two times, but in each instance the action was rescinded. Another ground for opposition in this instance is the property's close proximity to a synagogue.

New Atlanta House Atlanta, Dec. 13.

Ground was broken last week on Dill Avenue, Sylvan Hills, Atlanta suburb, for \$40,000 theatre to be operated by East Point Amus. Co., F. C. Coleman, v.p., which also operates Fairfax and College Park nabs. Company's No. 3 is now under construction on Central avenue, Hapeville, another Atlanta suburb. It will cost \$30,000. Both new houses are 500-seaters.

Charlotte, N. C. Construction of a new theatre, seating 800, will begin soon at Burlington by J. R. Qualls. Will represent approximately \$40,000.

The new Community theatre in Dilworth, Charlotte community, by the North Carolina Theatres, Inc., should be in operation between April 1-15, according to H. F. Kinney. Plans are being completed and work will begin by the first of the year.

Norfolk's Boom Norfolk, Va., Dec. 13. Norfolk and Tidewater Virginia has been hit by new motion picture house building boom. All of the spots are nabes. W. S. Wilder, owner of a nabe chain in Virginia, will build a new one in Norfolk. Expect

to put \$50,000 in a house for the Larchmont section here.

The Ritz, \$35,000 place, opened in South Norfolk, Va.

Nathan Levine plans new picture house for Portsmouth, Va., cost set at \$35,000. He has houses in five cities.

New Philly Zoners Philadelphia, Dec. 12.

Warner, new WB house in Wilmington, nearing completion and will unveil New Year's Day.

Main, Ephrata, Pa., being built by Harry and Oscar Stiefel, will preem Xmas Day.

WB State, Chester, which had its marquee torn down by the recent snow storms, being entirely rebuilt. Expected to reopen about February.

Cadillac, Mich., Dec. 13. Butterfield Michigan circuit opened its new Centre here last week, seating 500.

Youngstown, O., Dec. 13. Youngstown's newest nabe, the Foster, probably will open before Jan. 1. Joseph E. Shagrin, head of the operating group, announced. Capacity 800. An innovation will be a small mezzanine floor for about 25 people for card parties, private clubs and similar groups.

St. Loo's New Bldg. St. Louis, Dec. 13.

Sam Schuchart, local real estate dealer, is head of syndicate that plans the erection of 2,000-seater between Richmond Heights and Clayton, two suburbs. The building and site is expected to cost \$250,000, making it the most expensive house outside of the city proper.

Barney Rosenthal, Waterloo, Ia., planning new house for that town.

Alex Pappas, owner of Webster, local nabe, has let contract for another to be located in the Negro belt in midtown.

Tag of the Vivo, Warsaw, Ill., changed to Royal, and ownership has changed from Alexander Steel to the Better Theatres Circuit headed by A. L. Hainline. Laverne Nichols is house mgr. This is Hainline's ninth house in Western Illinois, Illinois.

The Hollywood, downtown, shuttered for many months reopened with 'The Dead March.' Operating at a 25c scale for early birds and 35c after 6 p.m.

Leo Lau, Jr., has tagged his new 700-seater on South Broadway, recently completed, the Southway. Lau also is interested in ownership of the Lemay, Luxemburg, Mo.

Si Grier, Chicago, has taken over the Fargo, Sycamore, Ill.

R. D. Todd, LaHarpe, Ill., has bought half-interest of Mr. and Mrs. Ewing in the Amus-U, in LaHarpe for \$10,000.

H. U. Bailey, Princeton, Ill., is planning erection of new theatre in Washington, Ill., next spring. Bailey operates string of houses in Central Illinois.

Louis Landau of St. Louis established a local precedent last week when he reopened the Colonial, 250-seater in Manchester, Mo., near here, and gave coffee shows from 4 p.m. to midnight, tossed in posies for the femmes and provided free parking. Landau, who formerly operated a nabe in St. Louis, publicized the reopening of the house over a 20 mile area and the Colonial played to SRO all opening day. The house has been completely overhauled, inside and out.

London, Ont., Dec. 13. James McDonagh, manager of Palace (F. P.), slated to open new Grand, also Famous Players, in Galt on D. 2. Only other house in Galt also owned by F. P. is Preston, assistant manager at Capitol here, being transferred as manager of Palace.

Chf's New Exchange Bldg. Chicago, Dec. 13.

Another new exchange building is going up in the new firm row section at Wabash at 13th streets. Will house 20th Century-Fox and Monogram, which will center every exchange but RKO in the new locality.

Construction on the new \$200,000 project will get underway shortly after the first of the year.

[Brass Tack Talk]

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DENVER 2144 Champa St.
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DETROIT 2949 Cass Ave.

KANSAS CITY 1706 Wyandotte St.
LOS ANGELES 2016 So. Vermont Ave.
MEMPHIS 500 So. 2nd St.
MINNEAPOLIS 1105 Currie Ave.
NEW ORLEANS 1431 Cleveland Ave.

NEW YORK 630 Ninth Ave.
PHILADELPHIA 1201-07 Vine St.
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THE MENACE OF
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THE FRIGHTFULNESS OF
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LUGOSI

THE HATE OF
ATWILL

in
1939's SCREEN
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COURAGE!

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figures in screen
history... All in
Universal's **NEW**
Cavalcade of Profit-
Horror!

Basil

RATHBONE

Boris

KARLOFF

Bela

LUGOSI

Lionel

ATWILL

in

"SON OF FRANKENSTEIN"

NATIONAL
RELEASE
JAN. 13

Original Screenplay by Willis Cooper
Directed by ROWLAND V. LEE
A ROWLAND V. LEE PRODUCTION

with Josephine
HUTCHINSON
Emma Dunn • Donnie
Dunagan • Edgar Norton



FILM BOOKING CHART

(For information of theatre and film exchange bookers, VARIETY presents a complete chart of feature releases of all the American distributing companies for the current quarterly period. Date of reviews as given in VARIETY and the running time of prints are included.)

(R) REISSUES

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WEEK OF RELEASE	TITLE	PRODUCER	DISTRIB.	TYPE	TALENT	DIRECTOR	TIME MINS.	WHEN REVIEWED BY VARIETY
10/7/38	CRIME TAKES HOLIDAY WEST OF THE SANTA FE STABLEMATES MR. WONG DETECTIVE TOUCHDOWN ARMY MR. DOODLE KICKS OFF THE NIGHT HAWK MEET THE GIRLS THAT CERTAIN BROADWAY MUSKETEERS	Col Col Harry Rapf W. T. Lackey Bob Sisk Herman Schlom Howard J. Green Joe Pasternak Bryan Foy	Col Col MGM MGM EKO Rep 20th U WB	Meller Western Com-Dr Mystery Football Com Drama Comedy Mus-Rom Comedy	J. Holt-M. Ralston C. Starrett-L. Mered W. Beery-M. Rooney B. Karloff-E. Brent J. Howard-E. Cummings J. Penner-J. Travis R. Livingston-J. Travis A. Lang-L. Bari-R. Allen D. Durbin-J. Cooper M. Lindsay-M. Wilson-J. Littel	Lewis D. Collins Sam Nelson Sam Wood Wm. Nigh Kurt Neumann Leslie Goodwins Sidney Salkow Eugene Forde Edw. Ludwig J-hn Farrow	61 69 69 75 72 67 65 66 106 63	11/30 12/14 10/5 11/23 9/21 10/5 10/5 8/31 10/5 10/19
10/14/38	FLIGHT TO FAME LADY VANISHES SHADOWS OVER SHANGHAI YOUNG DR. KILDARE WHERE THE BUFFALO ROAM ARKANSAS TRAVELER A MAN TO REMEMBER FIVE OF A KIND THERE GOES MY HEART SWING THAT CHEER THE SISTERS	Ralph Cohn A. Hitchcock Fine Arts Lou Ostrow Ed Finney Geo. Arthur Bob Sisk K. Macgowan Hal Roach Max Golden David Lewis	Col GB GN MGM Mono Par EKO RKO UA U WB	Drama Rom-Dr MGM Com-Dr Western Com-Dr Drama Rom-Com Rom-Com College Drama	C. Farrell-J. Wells M. Lockwood-P. Lucas J. Dunn-R. Morgan L. Ayres-L. Barrymore Tex Ritter E. Burns-F. Bainter E. Ellis-A. Shirley Dionne Quisenberry F. March-V. Bruce T. Brown-A. Devine E. Flynn-B. Davis-A. Louise	C.C. Coleman, Jr. Alf Hitchcock Chas. Lamont H. Buquet Al Herman Al Santell Garson Kanin H. L. Lederer Norman McLeod Harold Schuster Anatole Litvak	67 56 65 83 55 73 83 61 81 63	12/14 8/31 12/7 10/19 11/2 10/5 10/5 10/12 9/28 11/16 10/5
10/21/38	LISTEN, DARLING MYSTERIOUS RIDER MAD MISS MANTON MYSTERIOUS MR. MOTO SERVICE DRIVE GIRLS ON PROBATION	Jack Cummings Harry Sherman P. J. Wolfson Sol Wurtzel Ed Grainger Bryan Foy	MGM Far RKO 20th U WB	Rom-Dr Western Mys-Com Meller Drama	Bartholomew-J. Garland D. Dumbrille-C. Fields B. Stanwyck-H. Fonda P. Lorre-M. Maguire C. Bennett-V. Price-Rudels E. Flynn-B. Davis-A. Louise	Edw. Marin Les Selander Leigh Jason Norman Foster Rowland V. Lee Anatole Litvak	72 74 78 85 85 65	10/19 11/16 10/12 9/21 10/19 10/26
10/28/38	LAW OF THE TEXAN THE LITTLE ADVENTRESS THE GREAT WALTZ THE CITADEL MEN WITH WINGS I STAND ACCUSED TARNISHED ANGEL SUZ YOUNG IN HEART THE STORM THE LAST EXPRESS BROTHER RAT	Monroe Shaff Col Bernard Hyman Victor Saville Wm. A. Wellman John H. Auer B. P. Fineman Gene Markey D. O. Selznick Ken Goldsmith Irving Starr Robert Lord	Col Col MGM MGM Far Far EKO RKO 20th UA U WB	Western Acad-Dr Musical Drama Drama Drama EKO Spec Rom-Dr Drama U Comedy	Buck Jones-D. Fay D. Fellows-J. Wells L. Rainer-F. Gravet R. Donat-R. Russell F. MacMurray-E. Milland R. Cummings-H. Mack-L. Talbot S. Ellers-L. Bowman T. Power-L. Young J. Gaynor-D. Fairbanks, Jr. C. Bickford-B. McLane U W. Morris-P. Lane-J. Wyman	Elmer Clifton D. R. Lederman J. Duvivier King Vidor Wm. A. Wellman John H. Auer Leslie Goodwins Allan Dwan Richard Wallace Harold Young Otis Garrett Wm. Keighly	54 60 107 112 102 67 51 100 75 75 59 90	10/26 10/28 11/2 10/26 10/26 11/16 10/13 11/2 11/2 10/19 10/19
11/4/38	IN EARLY ARIZONA GANGSTER BOY GUN PACKER THE LAST RIDE ILLEGAL TRAFFIC LAWLESS VALLEY RHYTHM OF THE SADDLE ALWAYS IN TROUBLE EXPOSED HARD TO GET	Col W. T. Lackey Robt. Tansey Jeff Lazarus Harold Hurley Bert Gilroy Harry Grey John Stone Bert Kelly Sam Bischoff	Col Mono Mono Far Far EKO RKO 20th U WB	Western Giller Western Rom-Dr Meller Western Com-Dr Comedy Drama Comedy	B. Elliott-D. Gulliver J. Cooper-L. Gilman J. Randall-L. Stanley A. Tamiroff-F. Farmer J. C. Naish-M. Carlisle C. O'Brien-K. Sutton G. Aubrey-S. Burnette J. Withers-A. Treacher-J. Rogers O. Kruger-G. Farrell D. Powell-O. de Havilland	Jos. Levering Wm. Nigh Wallace Fox Alfred E. Green Louis King David Howard Geo. Sherman Jos. Santley Max Golden Ray Enright	75 51 57 68 69 63 63 75	11/9 11/9 11/23 11/9 11/9 11/23 11/9
11/11/38	ADVENTURE IN SAHARA THE FROG SPRING MADNESS IF I WERE KING ANNABEL TAKES A FOUR STORM OVER BENGAL JUST AROUND THE CORNER HIS EXCITING NIGHT TORCHY GETS HER MAN	Lou Appleton Herbert Wilcox Edw. Chodorow Frank Lloyd Lou Busby Armand Schaefer Dave Hempstead Ken Goldsmith Bryan Foy	Col GB MGM Far Far Rep 20th U WB	Drama Meller Rom-Com Drama Rom-Com Rom-Dr Comedy Rom-Com Comedy	P. Kelly-L. Gray N. Beety-G. Harker M. O'Sullivan-L. Ayres R. Coleman-F. Dee-Rathbone L. Oakley P. Knowles-R. Hudson S. Temple-C. Farrell C. Ruggles-O. Munson G. Farrell-B. MacLane	D. R. Lederman Jack Raymond C. S. Simon Frank Lloyd L. O. Lewis Sid Salkow Irving Cummings Gus Meins Michael Curtiz	75 66 66 66 65 61 61 62	4/7/37 11/16 9/21 10/19 12/14 11/2 12/7 10/12
11/18/38	THE SHINING HOUR GANG BULLETS THANKS FOR THE MEMORY LAW WEST OF TOMBSTONE SANTA FE STAMPEDE SHARPSHOOTERS COWBOY AND THE LADY ANGELS WITH DIRTY FACES	E. B. Derr J. Manckiewicz Far Cliff Reid Wm. Berke Sol Wurtzel Sam Goldwyn Sam Bischoff	MGM Mono Far Far RKO 20th UA WB	Meller Rom-Com Rom-Com Western Action Rom-Com Drama	J. Crawford-R. Young A. Nagel-R. Kent B. Hope-S. Ross-Butterworth H. Carter-T. Holt-E. Brent J. Wayne-R. Corrigan B. Donlevy-L. Bari G. Cooper-M. Oberon J. Cagney-F. O'Brien	Frank Borzage Lambert Hillyer G. Archambault Glenn T. Tryon Geo. Shetman Jas. Tinling Wm. Wyler Michael Curtiz	75 72 75 63 91 97	11/16 11/9 11/30 9/21 11/9 10/26
11/25/38	BLONDIE OUT WEST WITH HARDYS LITTLE TENDERFOOT SAY IT IN FRENCH ARREST BULLDOG DRUMMOND COME ON, RANGERS ORPHANS OF THE STREET PECK'S BAD BOY WITH CIRCUS SUBMARBINE LITTLE TOUGH GUYS IN SOCIETY NANCY DREW, DETECTIVE	Robert Sparks Lou Ostrow Ed Finney Andrew Stone Stuart Walker Chas. E. Ford Herman Schlom Sol Lesser Gene Markey Max Golden Bryan Foy	Col MGM Mono Mono Far Far Rep EKO 20th U WB	Comedy Com-Rom Western Comedy Mystery Western Meller Rom-Com Meller Meller	P. Singleton-A. Lake M. Rooney-L. Stone-C. Parker T. Ritter-J. Falkenberg E. Milland-C. Braden J. Howard-H. Angel R. Rogers-M. Hart T. Ryan-R. Livingston T. Kelly-A. Gills R. Greene-N. Kelly-Bancroft M. Boland-E. E. Horton B. Granville-J. Littel	Frank Strayer G. B. Seitz Al Herman Andrew Stone Jas. Hogan Joe Kane John H. Auer Edw. F. Cline John Ford Erle Kenton Wm. Clemens	69 64 60 70 68 56 68 75 76 67	11/2 11/23 11/30 11/23 11/23 11/23 11/23 11/23 11/23 12/7
12/2/38	FLIRTING WITH FATE LITTLE ORPHAN ANNIE WESTERN JAMBOREE ROAD DEMON STRANGE FACES DEVIL'S ISLAND	David Loew John Speaks Harry Grey Sol Wurtzel Bryan Foy	MGM Far Rep 20th U WB	Comedy Comedy Western Sports Com-Dr Meller	J. E. Brown-L. Carrillo-S. Duna A. Gills-R. Kent-J. Travis G. Aubrey-S. Burnette H. Arthur-J. Valerie D. Kent-P. Jenks B. Karloff-N. Harrigan	F. MacDonald Ben Holmes Ralph Staub Otto Brower Earl Taggart Wm. Clemens	70 87 70 66	12/14 11/30 12/14 12/7
12/9/38	RIO GRANDE ROUNDUP DRAMATIC SCHOOL I AM A CRIMINAL RIDE A CROOKED MILE NEXT TIME I MARRY UP THE RIVER SECRETS OF A NURSE HEART OF THE NORTH	Irving Briskin Mervyn LeRoy E. B. Derr Jeff Lazarus Cliff Reid Sol Wurtzel Bert Kelly Bryan Foy	Col M-G Mono Far RKO 20th U WB	Western Rom-Dr Meller Rom-Dr Comedy Meller Drama Meller	C. Starrett-A. Doran L. Rainer-A. Marshall J. Carroll-M. Kornman A. Tamiroff-F. Farmer L. Ball-J. Ellison-L. Bowman T. Martin-F. Brooks E. Lowe-H. Mack D. Foran-G. Page	Sam Nelson R. Sinclair Wm. Nigh Alfred E. Green Garson Kanin Alfred Werker Arthur Lubin Lewis Seiler	78 73 70 61 68 75 74	12/7 12/7 12/7 11/8 11/16 12/14
12/16/38	STRANGE CASE OF DR. MEAD CALIFORNIA FRONTIER A CHRISTMAS CAROL THE FRONTIERSMEN DOWN ON THE FARM PIRATES OF THE SKY SWING, SISTERS, SWING GHOST TOWN RANGERS COMET OVER BROADWAY	Col Monroe Shaff Joe Manckiewicz Harry Sherman Sol Wurtzel B. Sarecky Bert Kelly Tren Carr Bryan Foy	Col Col M-G Far 20th U U WB	Drama Western Rom-Fan Western Comedy Action Musical Western Drama	J. Holt-B. Roberts-N. Beery B. Janet-G. Bailey R. Owen-T. Kilburn W. Boyd-G. Hayes-E. Venable J. Prouty-S. Byington K. Taylor-R. Hudson K. Murray-K. Kane Bob Baker K. Francis-L. Littel	Lewis D. Collins Elmer Clifton E. L. Marin Les Selander Max St. Clair Joe McDonough Joseph Santley Geo. Wagner Busby Berkeley	55 68 74 63	12/14 12/14 12/14 12/14
12/23/38	THERE'S THAT WOMAN AGAIN AWAKENING OF KATRINA TOUGH KID WILD HORSE CANYON TOM SAWYER, DETECTIVE THANKS FOR EVERYTHING TRADE WINDS NEWSBOYS' HOME THE DAWN PATROL	B. B. Kahane Harry Rapf Lindsley Parsons Robt. Tansey E. T. Lowe H. J. Brown Walter Wanger Ken Goldsmith Robert Lord	Col M-G Mono Mono Far Far UA UA WB	Rom-Dr Drama Meller Western Rom-Dr Musical Rom-Dr Drama Drama	M. Douglas-V. Bruce F. Gaal-Tone-V. Connolly F. Darro-J. Allen Jack Ran-ell D. O'Connor-B. Cook A. Menjou-J. Oakle F. March-J. Bennett J. Cooper-W. Barrie E. Flynn-B. Rathbone	Al Hall Norman Taurog H. Bretherton Robert Hill Louis King Wm. A. Seiter Tay Garnett Harold Young Edm'd Goulding	68 55 74 63	12/14 12/14 12/7 12/14
12/30/38	SMASHING THE SPY RING CLIMBING HIGH SWEETHEARTS SKY PIRATE ARTISTS AND MODELS ABROAD THE GREAT MAN VOTES KENTUCKY DUKE OF WEST POINT GOING PLACES	Irving Briskin GB Hunt Stromberg Paul Malvern A. Hornblow, Jr. Cliff Reid Gene Markey Edw. Small Barney Glazer	Col GB M-G Mono Far EKO 20th UA WB	Meller Comedy Musical Action Musical Comedy Rom-Dr Rom-Com Musical	F. Gray-R. Bellamy J. Mathews-M. Redgrave J. MacDonald-N. Eddy J. Trent-M. Reynolds J. Benny-J. Bennett J. Barrymore-P. Holden L. Young-H. Greene L. Hayward-J. Fontaine D. Powell-A. Louise	Christy Cabanne Carol Reed W. S. Van Dyke Paul Malvern Mitchell Leisen Garson Kanin David Butler Al Green Ray Enright		11/2
1/6/39	NORTH OF SHANGHAI STAND UP AND FIGHT PYGMALION KING OF CHEATWOLF PACIFIC LINER WHILE NEW YORK SLEEPS LAST WARNING DEVIL'S ISLAND	W. MacDonald Mervyn LeRoy Gabriel Pascal Stuart Walker Robert Sisk Sol Wurtzel Irving Starr Bryan Foy	Col M-G M-G Far EKO 20th U WB	Drama Rom-Dr Comedy Drama Drama Melodrama Mystery Melodrama	B. Furness-J. Craig E. Taylor-F. Rice-Beery L. Howard-W. Hiller A. M. Wong-Tamiroff-Naish V. McLaglen-C. Morris-V. Barr M. Whalen-J. Rogers F. Foster-F. Robinson B. Karloff-N. Harrigan	D. R. Lederman W. S. VanDyke A. Asquith Nick Grinde Lew Landers H. B. Hummerston Al Rogell Wm. Clemens		12/7

Stockholders vs. Loew's

(Continued from page 4)

defendants in the present case or the salaries to stars.

The workers in the executive office receive about \$584,000; accounting department, \$109,000; repairs and maintenance, \$478,000; Federal estate taxes, \$248,000; entertainment, visiting royalty, etc., \$17,700; \$2,000 in bonuses to the execs for only this subsidiary, \$127,000 for overtime for executives; \$193,000 for rejected continuities; \$142,000 for phone calls; \$22,000 for telegraph; and, also added to the 1937 budget, was \$3,500 'donated to elect the Mayor of Los Angeles.' An added item on the yearly outlay was \$173,000 for rejected songs. This was not detailed.

Mayer Tells of Norma

Shearer's Goldwyn Bid

Continued reading of Louis B. Mayer's deposition opened the session. Mayer testified that following Thalberg's death the attorneys for the estate notified him that they intended to fight for continued payment of the 7 1/10% under the profit-sharing arrangement. At about this time, the testimony showed, the picture, 'Marie Antoinette,' starring Shearer, was about half completed and that \$800,000 had been invested in it. Miss Shearer seemed dissatisfied with her contract with Metro and also was insisting that the company continue to pay Thalberg's share of profits to the estate. Under her contract Mayer said she was privileged to wind up the agreement on the death of Thalberg, provided she pay back to the company \$500,000 which she offered to do.

On Schenck's advice that it would be cheaper in the long run to meet her demands, because Sam Goldwyn had offered her \$250,000 a picture and 50% of the profits, result was that she was given a new three-year deal, two pictures a year, at \$150,000 each. Schenck convinced her that she would realize about \$1,800,000 if she signed the new contract. This included the payment of the Thalberg share of profits to Jan. 1, 1939.

Mayer said that even if there was no controversy involving the estate he would have consented to pay her \$250,000 a picture, or even more, if she demanded it, because of the spot he was in at the time of the 'Antoinette' picture.

The testimony of David Bernstein was the next to be read into the record. This, to some extent repeated the Shearer mixup and chief defence counsel Proskauer conceded that part of it when Ellis attempted to show that the amounts paid to Miss Shearer were not deducted as expenses in computing the percentage profits paid to the five top execs.

The testimony of Al Lichtman, vice-president, director and general aide to Nick Schenck, was also routine except for excerpts which more or less amused the people in the courtroom. At one point regarding the bonuses, Lichtman remarked 'Schenck is like a father with a lot of children and a piece of bread to divide. He divides it to the best of his ability to appease the appetite of each one.'

Ellis at this point remarked that the case should be titled 'What Price Happiness' and that he thought the defendants would never be satisfied, even if they drew \$10,000 weekly.

Mervyn LeRoy's 300G,

A 'Secret' Contract

During the course of the trial the testimony of Mayer never seems to be completed and is frequently referred to. This time Ellis reading from it revealed for the first time that Mervyn LeRoy had a 'secret contract' with the company. Under this, the Mayer deposition showed, LeRoy was ostensibly—for the benefit of other directors and stars on the lot—receiving \$3,500 weekly, yet he actually made \$500,000 yearly on a guarantee basis. This was done to avoid jealousy among the others, particularly producers. Mayer testified: 'He admitted that when it became common knowledge there was hell to pay.'

At another part of the deposition it was revealed that a certain picture was banned in Spain because the combs used supposedly by well-

bred Spanish señoritas were actually used by prostitutes.

Mayer stated that the weekly payroll of Metro is about \$400,000.

The deposition of Ed Mannix, general manager of the studio under Mayer, revealed that Mannix rose from \$25,000 yearly to \$3,000 weekly and felt that he should also be declared in on the profit sharing. Hunt Stomberg and Bernard Hyman felt the same way, Mannix testified. He admitted that practically no executives were ever let out in studio cuts, only those in the lower brackets.

Kent Calls Mayer,

Thalberg 'Geniuses'

Sidney R. Kent, president of 20th-Fox, placed on the stand Thursday as a defense witness, because he had to leave for the coast, occupied the entire testimony of the good character and ability of the defendants and that they were entitled to earnings commensurate

with the profits of the company. He declared that 'Metro Pictures' the Loew's producing sub, would be at a loss without their services and that it would be disastrous if the company lost their services. In Kent's opinion, Mayer and the late Irving Thalberg were 'geniuses' in their line of work, and that the ability to select potential stars and leading directors has been proven. He detailed his opinion as an expert in the trade through knowledge of most of the defendants by past association, or as a competitor. Some of these he described in the following manner:

Thalberg: From being secretary to Carl Laemmle, then head of Universal, grew to an unparalleled position in the film industry with Metro. He was the outstanding quality producer when he died.

Mayer: Praised his ability to develop the most important stars, directors and producers in the industry and that he was responsible for such stars as Garbo, Gable, Taylor and others. Mayer's heading of the studio in all matters indicated how much the rise of MGM was his direct responsibility.

Kent then gave his estimate of Nicholas M. Schenck, president of

Loew's. He said he regarded Schenck as a highly efficient executive.

There are no such things as 'static contracts' in the industry, Kent continued. A man's value increases as his work progresses, and if he is held to his original contract he becomes disgruntled and because he knows he can obtain more elsewhere. His work suffers, as a result, and it is up to the top executives to appease him. This, he said, was particularly true in the case of Thalberg in 1932. Thalberg had been complaining that his income was being eaten up by Government taxes and 'slobber' on his, Kent's, shoulder. Result was that later Thalberg was granted a bonus of 100,000 shares of stock which, according to the witness, he deserved. At that time Thalberg was responsible for 52 films scheduled to be produced for the year.

Kent Did Same Thing

For 3 Top Executives

He said that he was faced with the same problem and met it by having 600,000 shares of 20th Century-Fox Film stock awarded to Darryl Zanuck, Joe Schenck and William Goetz, not based on assets, but for their brains. Result was that profits of the Fox company increased from \$1,500,000 a year in 1934 to between \$6,000,000 and \$7,500,000 annually.

Loew's had no difficulty during the depression, as several of the other companies did, Kent said, because it did not invest in purchase of groups of theatres.

After Thalberg had told him of his 'dissatisfaction,' Kent said he went to Nick Schenck and told him about it, as a director of Film Securities. Schenck told him he was working on an option plan to clear up the matter. The matter with others was taken up with Winthrop Aldrich, head of the Chase Bank which held \$18,000,000 of the \$28,000,000 stock issue of Fox Film Corp. Aldrich decided it would be wise to vote for stock options to Thalberg.

20th-Fox President's

Appraisal of M-G Talents

Kent's testimony for the defense concluded with his opinion as to the ability of the other defendants. Bernard Hyman, he said, was a very good producer, that the studio was grooming him to be another Thalberg. Sam Katz, an outstanding showman; LeRoy, a very outstanding producer and an even finer director; Lichtman, who worked for him (Kent) in the old Paramount, was the father of the modern film distribution systems; Mannix would be an asset to any studio and an outstanding handler of talent; Harry Rapf he only knows by report, which is excellent.

Rubin is the best posted man on stories, plays, writers and personalities in the business, Kent considered. Huston Stromberg is the best producer so far since Thalberg. He could make twice as much producing on his own than he is receiving at present from Loew-Metro, the witness said. The others he only knew by reputation, but not personally or from contact.

Under cross-examination by Ellis, Kent disputed the claim that larger profits were due to increased number of major houses. Kent said the number increased only by a few hundred over five years and that Loew's only added some 20-30 theatres to its chain. As to the return on foreign markets, Kent disputed the statement that they have doubled since 1924 but claimed that they remained at a consistent ratio of 35-40% of the world gross.

Ellis charged that Metro pays more for its stars, directors and writers than any other company, and Kent admitted this, but that its earnings were greater. 'Stars, directors and other assets are of no value without toptotch men to place them correctly.'

About 140 in Loew's

Earn Over \$100,000

It was disclosed that Loew's and Metro employ about 140 persons at salaries ranging from \$100,000 or over annually, and that 20th-Fox employs between 30 and 60 in that salary bracket. This was denied by defense counsel. Production costs have risen every year, he said, but denied assertion of Mayer that a catastrophe might result. He vigorously disagreed with a printed report (Screen Actors Guild) that there were 800% more producers

during the last 10 years who produced 40% less pictures, than in the former decade.

Kent testified that when Thalberg complained to him that he was receiving between \$600,000 and \$800,000 annually, Thalberg thought he was doing more work than Mayer, but receiving less compensation.

Ellis wound up his cross-questioning by asking the witness whether it would not be less expensive to the company to apply a good deal of bicarbonate of soda to disgruntled stars and directors, and also to the defendants, instead of easing their stomach pains by boosting salaries and handing out bonuses and options promiscuously. Kent merely shrugged his shoulders in answer.

Loew's Real Estate

Deals Gone Into

Reis, plaintiffs' accountant, on the stand Wednesday (7), introduced real estate contracts, leases, etc., made through the real estate end of Loew's, Inc., and the sale of securities on these properties. According to the report of the company's accountants dated as of Aug. 31, 1927, Bernstein, Schenck and Mayer shared in the net earnings of Loew's and its subsid. Profits on the sale of securities went into the basis of computing the bonuses to be paid to Schenck and Bernstein. A separate arrangement on the profit-sharing was made for Mayer. Bernstein was the treasurer of the company, and the witness said, according to the financial reports, he had a big hand in the profit-sharing arrangements.

In other words, A. L. Pomerantz, one of the plaintiffs' counsel, asked, Bernstein had considerable to say as to what he would receive in the way of bonuses?

The plaintiffs then introduced into the record numerous real estate agreements and contracts involving properties of the company in New York, Dayton, Ohio, and also the sale of 'Films Loew's-Goldwyn-Mayer of France' for \$443,413 in 1931.

The total profits from these transactions from 1926-1932 amounted to \$1,772,594. Bernstein and Schenck were declared in on this profit, but not Mayer, Rubin or Thalberg.

3-Theatre B'dlyn

Pool Is Itemized

It was also brought out through the introduction of original contracts that in 1927, under an arrangement between the execs, Paramount, Sam Lasky and Allied Owners, three theatres, the Valencia, Pitkin and Loew's Kings, all located in Brooklyn, were to be erected. The actual building, including the land, was set at \$7,000,000 under the contracts, but with interest it would cost Loew's, the guarantor, \$9,000,000. However, a deal was put through under which Loew's was assessed an additional \$5,000,000, or \$14,000,000 under an installment arrangement. Loew's agreed to pay the \$9,000,000 plus interest of 6% over a period of 15 years, or a total of \$14,000,000.

Just before the closing of the session it was brought out that the five toptotch executives, Mayer, Rubin, Bernstein, Thalberg and Schenck, were not harmed by the payment of heavy Federal taxes, nor were their bonus arrangements effected in any way by these tax assessments.

STORY BUYS

Hollywood, Dec. 13.

Sam Katzman purchased 'Phantom Guns,' original western by Ed Halperin.

Monogram bought 'Little Big House' by Norman S. Hall and Ray Trampe.

James Ronald sold his mystery yarn, 'They Can't Hang Me,' to Universal.

Republique acquired 'Colorado Moon,' original by John Rathmel.

TITLE CHANGES

Hollywood, Dec. 13.

'The Saint Strikes Back' is release tag for 'The Saint Strikes Twice' at RKO.

'Riders of the Range' became 'Silver on the Sage' at Paramount.

Warners changed 'Elizabeth the Queen' to 'The Knight and the Lady.'

START LAUGHING

Hollywood, Dec. 13.

Laughing Gas Pictures Corp. launches its first one-reel comedy this week at International studios where it has leased space for a series.

Films will be shot under supervision of Charlie Rogers, former Hal Roach gag man.

Advance Production Chart

(Continued from page 23)

Frank Reicher, James Stephens, Pedro De Cordoba, Nat Carr, Tom Wilson, Sidney Bracy, Stuart Holmes, Dino Corrado, John Harman.

'WOMEN IN THE WIND,' produced by Bryan Foy; directed by John Farrow; screen play by Lee Katz and Albert DeMond from novel by Francis Walton. Cast: Kay Francis, William Gargan, Victor Jory, Maxie Rosenbloom, Sheila Bromley, Harvey Stephens, Frankie Burke, Frank Taylor.

'GOING PLACES,' produced by Barney Glazer; directed by Ray Enright; screen play by Maurice Leo, Jerry Wald, Sig Herzog; photographed by Arthur Todd. Cast: Dick Powell, Anita Louise, Alan Jenkins, Walter Catlett, Minna Gombell, Thurston Hall, Hal Huber.

'KING OF THE UNDERWORLD,' formerly titled 'UNLAWFUL,' produced by Bryan Foy; directed by Lew Seiler; screen play by George Bricker; photographed by Sid Hickox. Cast: Kay Francis, James Stephenson, Humphrey Bogart, John Eldridge, Jessie Busfield, Harles Foy, Joe Devolin, Penny Singleton.

'DARK VICTORY,' produced by David Lewis; directed by Edmund Goulding; screen play by Casey Robinson from play by George Brewer, and Bert Kalich; photographed by Ernest Haller. Cast: Bette Davis, George Brent, Geraldine Fitzgerald, Humphrey Bogart, Ronald Reagan, Henry Travers, Dorothy Peterson, Charles Richman, Lottie Williams, Virginia Brissac, Frank Reicher, Pierre Watkins.

'OKLAHOMA KID,' produced by Sam Bischoff; directed by Lloyd Bacon; screen play by Robert Buckner, Jerome Odlum and Warren Duff; photographed by Carl Bonardelli; photographed by James W. Horne. Cast: James Cagney, Rosemary Lane, Humphrey Bogart, Donald Crisp, Granville Bates, Charles Middleton, Hugh Sothern, Edward Pawley, Ward Bond.

'WINGS OF THE NAVY,' produced by Lou Edelmann; directed by Lloyd Bacon; original screen play by Michael Fessier; photographed by Arthur Edeson. Cast: George Brent, Olivia de Havilland, John Payne, Frank McHugh, John Ridgely, Henry O'Neill, John Littel, Regis Toomey, Donald Briggs, Max Hoffman, Jr., John Galloway.

'TORCH IN CHINATOWN,' produced by Bryan Foy; directed by William Beaudine; screen play by George Bricker; photographed by Warren Lynch. Cast: Glenda Farrell, Barton MacLane, Henry O'Neill, Tom Kennedy, Janet Shaw, Dick Bond, Patric Knowles, James Stephenson, Andy Lawlor, Frank Shannon, George Guhl, Joe Cunningham, Jack Mower, Charles Hickman, Bruce Mitchell, John Harman.

'ADVENTURES OF JANE ARDEN,' produced by Mark Hellinger; directed by Jerry Morse; no writing credits released; photographed by L. William O'Connor. Cast: Rosella Towne, George Guhl, Dennis Moore, Peggy Shannon, Edgar Edwards, Maris Wrixin, Frankie Burke, Pierre Watkins.

'NANCY DREW, REPORTER,' produced by Bryan Foy; directed by William Clemens; no writing credits released as yet; photographed by Arthur Edeson. Cast: Glenda Farrell, Barton MacLane, Henry O'Neill, Tom Kennedy, Janet Shaw, Dick Bond, Patric Knowles, James Stephenson, Andy Lawlor, Frank Shannon, George Guhl, Joe Cunningham, Jack Mower, Charles Hickman, Bruce Mitchell, John Harman.

'CHALKED RUMS,' formerly titled 'CRIME IS A RACKET,' produced by Sam Bischoff; directed by Lew Seiler; no writing credits yet; photographed by Sol Polito. Cast: Humphrey Bogart, Gale Page, Bette Davis, Brian Aherne, Dickie Jones, Betty Amann, Astrid Allwyn, Larry Williams, Thomas Lee, Leonard Mudie, Irving Bacon, Sheila Bromley, Beula Bondi, Charles Halton.

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RADIO

SCREEN

STAGE

VARIETY

Published Weekly at 110 West 47th Street, New York 18, N. Y. Telephone: MU 2-1100. Second-class postage paid at New York, N. Y., and at additional mailing offices. Postmaster: Please send address changes in New York City to VARIETY, 110 West 47th Street, New York 18, N. Y.

NEW YORK CITY

SHOWMANSHIP AWARDS

Special Citations, Survey Supplement,
Made Under 12 Different Categories

RECOGNITION IN
SPECIAL GROUPS

Plaques to Sponsors, Agencies, Others
For Extraordinary Manifestations

Radio stations are made aware of the awards by the Survey Supplement, which is mailed to them. They are notified of the awarding of the award by the Survey Supplement, which is mailed to them. They are notified of the awarding of the award by the Survey Supplement, which is mailed to them.

Honorary

Showmanship is a term that has been used in the world of radio advertising as long as the business world itself. In the opinion of Variety, the word should be confined to the creative and the creative, to the creative and the creative, to the creative and the creative.

Annual Follow-up to City-By-City Rankings Designates Leading Examples of Station Showmanship Under Various Types of Station

Signal Strength

Signal strength, as it is called, is of importance to both stations and listeners. It is the measure of the power of the signal, and it is the measure of the power of the signal.

Variety this year 1938 is another edition of the Survey Supplement, which is mailed to them. They are notified of the awarding of the award by the Survey Supplement, which is mailed to them.

- Special Citations are made under 12 different categories:
- 1. Pioneer Station
 - 2. Pioneer Station
 - 3. Pioneer Station
 - 4. Pioneer Station
 - 5. Pioneer Station
 - 6. Pioneer Station
 - 7. Pioneer Station
 - 8. Pioneer Station
 - 9. Pioneer Station
 - 10. Pioneer Station
 - 11. Pioneer Station
 - 12. Pioneer Station

'ECCENTRICITY' IS DISCOUNTED

Showmanship is a term that has been used in the world of radio advertising as long as the business world itself. In the opinion of Variety, the word should be confined to the creative and the creative, to the creative and the creative, to the creative and the creative.

DATA

Each year since 1934 VARIETY has published a survey of commercial radio stations in the United States. This year 1938 was no exception. The survey was made up of 100 stations, and it was made up of 100 stations.

ALL STATIONS ARE ELIGIBLE

All commercial radio stations in the United States are eligible for the award. This is the first time that all stations are eligible for the award.

ASTHETIC REPLY TO ARE WE IN SHOW MEET

Showmanship is a term that has been used in the world of radio advertising as long as the business world itself. In the opinion of Variety, the word should be confined to the creative and the creative, to the creative and the creative, to the creative and the creative.

SURVEY CROSS-CHECKED THROUGH TIME-OUTERS

Showmanship is a term that has been used in the world of radio advertising as long as the business world itself. In the opinion of Variety, the word should be confined to the creative and the creative, to the creative and the creative, to the creative and the creative.

This is a facsimile reproduction (slightly reduced) of showmanship plaques of copper mounted on walnut presented by this publication.

(Survey runs pages 32-36)

Showmanship is a term that has been used in the world of radio advertising as long as the business world itself. In the opinion of Variety, the word should be confined to the creative and the creative, to the creative and the creative, to the creative and the creative.

Digest of Community Data

VARIETY again surveys the radio stations of part of the nation. As before, the survey concerns itself altogether with 'activity' and 'enterprise' and is not intended to be, and should not be interpreted as being an attempt to measure or suggest comparative station popularities.

First published in 1933, repeated twice in 1934, and once each in 1935 and 1936, the survey spans six years, during which period of time it is possible to obtain something like a bird's-eye view of the radio industry itself from about that point in its development where self-consciousness may be said to have set in. Assuming that the early years were more or less catch-as-catch-can, with trial-and-error the necessary pattern of behavior, and expediency the working philosophy, it appears to VARIETY that the station of self-praise by the local station, as such, coincided with the original publication of these intermittent reports. It is largely because VARIETY has conceived—and been assured—that it was performing, a useful and constructive task that the showmanship surveys, veritable explosions each time brought out, have been continued. VARIETY has been told, and likes to believe, these periodic surveys are stimulating to many radio organizations.

It has ever been, and still is, the opinion of VARIETY that the operators of radio stations are by nature and general interest prone to concentrate over-much on the jobs of (a) Washington trade politics and (b) the solicitation of accounts. This being so, they perhaps need to be reminded occasionally that the 'public interest, convenience and necessity' goes far beyond the mere pocketbook interests of the licensee to stalk and capture advertising accounts. Paradoxically, the rent-payers are, under the law, if not within the realities of everyday operation, a mere side issue. Granted that there is considerable basic confusion on the subject of what and to whom radio stations owe a debt of fulfillment, and granting too, that pressure groups and more or less 'worthy' institutions are out to chisel free time in such amounts as to threaten station revenue, there can hardly be any argument that radio stations have gradually arrived at, rather than started originally from, an appreciation of their responsibilities.

Radio's Dilemma Still Is,

What Is Showmanship?

Which brings up—perennial dilemma—the question of a fitting definition of showmanship. It would be easy, but too easy, to say that radio community showmanship refers alone to the creation or exploitation of entertainment—that substantially is what it means in the theatre and on the screen. Showmanship is implicit in finesse, also in intuition and calculation. There may thus be showmanship in the inspired expedient or ad lib as well as showmanship in the careful planning of a group of executives.

A radio station's showmanship bears upon two external factors. First, the audience, i.e., some part of the community within the signal area. Second, the United States government. The broadcaster must please his audience in order to hold it and enlarge it and thus justify advertising rates and attract advertisers. In doing so he has at his disposal only those devices of entertainment and attention-getting that conform to, or do not conflict with, 'public service, convenience and necessity.'

Don't Go by Yesteryear; Survey Is Flexible

One conditioning circumstance of this survey should perhaps be stressed here and now: today's showmanship is not a carbon copy of yesterday's. What was dramatic and exciting in 1933 may today be routine and stale practice, thoroughly standardized and, while not outmoded or unworthy, because of this time element divorced of any particular claim upon spontaneous recognition as exceptional enterprise.

VARIETY's showmanship survey attempts to be flexible, sensitive, understanding. But most of all in harmony with the advancing parade, not bound either to its own former con-

ceptions of showmanship or anybody else's former conceptions. Opinion cannot be replaced by statistics or quantitative check-ups, but opinion can and should be periodically revised and revitalized. This, as far as it can be made intelligible to outsiders, is the guiding principle which VARIETY keeps in mind.

The Case of Detroit; Meeting the Community

It will be noted that VARIETY has arbitrarily listed certain cities as 'consistently active' which means in a showmanship sense. It so happens that most of these cities are major markets. Take Detroit as an example. This city epitomizes the American system in practical impact upon a large and polyglot population—that happens also to be across the river from Canada where CKLW maintains a dual character. In Detroit the stations, each according to size, personality and such coloration as network membership lends, fit themselves, like pieces of

mond can clearly be set down as a freak.

In Richmond they fight with statistics and merchandising and geography. They also fight with personal venom. Showmanship is so interwoven in this harum-scarum battle that it can't be picked out of the embroidery with any degree of clarity. It's like trying to spot technique in one of those throw-hind-down-a-gain-McCloskey wrestling matches.

Two principals in this scrap are WRVA and WMBG. The former has ten times as much wattage as WMBG and will soon have 100 times as much. WMBG good-pools the wattage on the grounds that back of Richmond is nothing but hills and scrub pine, neither of which own radio sets. WRVA has a flock of answers to this contention.

Whatever the merits of this scrap—this is not the place for a discussion—only WRVA sent anything to the VARIETY jury to aid in sizing up the burg. Showed a 24-man orchestra

new home in the Trans-Lux Bldg. Also running about as before.

All stations in this town religiously reply to questionnaires, etc., and are far from meek in estimations of themselves. That's a healthy sign.

Quite apart from showmanship, however, it must be remarked—and maybe this is the place to drag it in by the heels—that while the stations are hot on remotes, they are tepid on market promotion. Here's a place where the newspapers have done a better promotion job, and by far. Barring a few pertinent exceptions, the D. C. aggregation appears to be content with the impression that Washington is a nut-house, not the great residential area that it is.

WOL has tenfold increase in wattage—to 1,000—this year.

Absurdities of Stuntmen Rated as Precisely That

Going through the cities of the hot, lukewarm and tepid showmanship classifications for 1938, what seems

Chicago 'Characteristics

Little Altered in 1938

Chicago is definitely more colorful: WJJD (10 musicians) goes after school, sports, human interest, novelty and Women's Club programs. Played a prominent part when infantile paralysis epidemic shut up the schools last winter. Broadcasts from the Cook County Jail.

WLS retains its basic character as the 'soubusters' glory road. Hillbillys and dinner-pail programs and an active and highly profitable artists bureau are old stuff.

WGBM, the CBS station, and predominantly national in coloration; but as time permits there is a conscious effort to localize. Sports are a long suit. Station topped one of the three Frank McIninch awards for air mail co-operation. (Incidentally, VARIETY, as a member of the judges committee on that occasion, reveals nothing particularly sacrosanct when it is here parenthetically stated that the 50,000-wattage were mediocre indeed in showmanship on this one issue compared to the smaller stations that really bestirred themselves.)

WENR, the NBC station, has 70 musicians under Roy Shield but as an origination point and a time-sharer with WLS is not particularly local. In the past VARIETY has either relegated WENR and WMAQ to a low position in the Chicago grouping or has omitted them altogether. This seemed to be the plain common sense of the matter but, fearful that the trade or other readers of this publication might confuse such ranking as an aspersion against popularity and prestige, there was a tendency to challenge the logic followed.

WGN always on active station; has 26 musicians and many local features. Chicago Tribune itself is notable for showmanship.

WCFL, the Labor Union station (owned by A.F.L.) has 12 musicians. It has never been given a real chance. Labor politics and politicians have immovably handicapped its management through the year. In consequence it has never been distinguished, not even for what it did for labor.

WIND, Ralph Atlass' other station (actually credited to Gary, Indiana) runs all-night and is sports-studded. Active in Americanization. Atlass barred Father Coughlin's discussions of 'the Jewish question.'

Many Cities Settle Down Into Even-Going Path

Many cities covered by this year's survey reveal slight change from previous appraisals. Cleveland, for example, presents more or less the same familiar picture of WGAR with an added, now slight, now winding, over WHK. WGAR has 12 musicians and WHK, which has a secondary station, has 16. WHK late in the year caught the tide of national feeling (now coming in strongly) with its 'We Americans,' which is made an emblem by other stations in other cities. WHK has set its face against foreign language programs, once big in Cleveland. This decision, which meant sacrificing or jeopardizing immediate coin, must rank as evidence of thoughtfulness on the subject of 'public interest.'

Time-buyers queried about Dallas showmanship profess little knowledge thereof. Dallas is active but not in national exploitation. Seemingly much of its best enterprise has been regional in character. WRR, the city-owned station, has lent itself to an attack on money-lenders practicing usury. It is very spacy, has eight musicians.

WFAA uses its 14 musicians on 17 programs a week and reports an increase of \$3,000 in sustaining budget and the employment of a full-time press agent, a job usually combined with other (many other) duties at most stations and accounting, of course, for the consistently stout stuff that is labeled publicity.

KLLD has 10 musicians and is on the alert side of it. Hartford, long used as an advertising test town (also a dog town for theatrical shows) now has WHTT, of the Hartford Times, which is strongly local in tone. Has tie-up with State theatre on an amateur stunt, goes in for such uni-versally-applauded civic gestures as safe driving and reports and is also identified with programed foreign segments—Italian, Polish and Jewish in this case.

WTIC, the big fellow with NBC (Continued on page 34).

SHOWMANSHIP COMMUNITIES AT A GLANCE

Consistently Active

BUFFALO
CHARLOTTE
CINCINNATI
DES MOINES
DETROIT
KANSAS CITY
MINNEAPOLIS-ST. PAUL
NEW YORK
OKLAHOMA CITY
PHILADELPHIA
SAN FRANCISCO
ST. LOUIS

Spotty in Enterprise

ALBANY
BALTIMORE
BOSTON
CHICAGO
CLEVELAND
COLUMBUS
DALLAS
DAYTON
DENVER
FORT WORTH
HARTFORD
INDIANAPOLIS
LINCOLN
LITTLE ROCK
LOS ANGELES
LOUISVILLE
MEMPHIS
MIAMI
MILWAUKEE
NASHVILLE
NEW ORLEANS
OMAHA
PITTSBURGH
PORTLAND, ORE.
RICHMOND
ROCHESTER
SALT LAKE
SEATTLE
SYRACUSE
TULSA
WASHINGTON

Usually Drowsy

ATLANTA
CHATTANOOGA
ENOXVILLE
OAKLAND
PROVIDENCE
SOUTH BEND
SPOKANE
TACOMA

a puzzle, into the community picture. So 'public interest,' convenience and necessity means something like this:

WJR—the big fellow, 50,000 watts, CBS network; 16 men in the house orchestra. A station with national emphasis.

WKYZ—the baby of a theatre chain (King-Trendle, Paramount partners) and gravitating quite naturally toward programs which it has had unique success. Its 'Lone Ranger' program has become an industry in itself. Perhaps 40% of WKYZ's profits spring from this showmanly specialization which began simply in an effort to service its community with home-built entertainment. Here plainly is showmanship of a commanding nature.

WWJ—has blueprinted its career on more typically local lines and in connection with the Detroit News of which it is the radio outlet. WWJ houses itself pretentiously; deports itself along self-willed and self-opinionated policies, striking a balance of middle class family following.

CKLW—finds its favor and its audience by presenting matters of appeal to, for example, Catholics; by doing what the others don't do; by playing up the international hands-across-the-water aspects. In this CKLW mirrors facets of the Detroit community which its Canadian licensee naturally emphasizes.

WJBK—to illustrate the small-wattage place in the sun was for a considerable time 'the voice of labor' and the forum of the industrial union drive.

WRVA Uses Music As Wedge in Ga-Ga Town

Richmond has four commercial stations and a part-time non-commercial outlet owned by the Grace Covenant Presbyterian Church (WBBL). That's enough competition to make the sparks fly, but Rich-

mond can clearly be set down as a freak.

In Richmond they fight with statistics and merchandising and geography. They also fight with personal venom. Showmanship is so interwoven in this harum-scarum battle that it can't be picked out of the embroidery with any degree of clarity. It's like trying to spot technique in one of those throw-hind-down-a-gain-McCloskey wrestling matches.

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pertinent is the difficulty of singling out specific acts and policies that have been performed by individual stations. This presumably means, if it means anything, that the radio industry is approaching some sort of a norm.

By now the stunt programs have spawned their due share of absurdities, and what was once surefire evidence of zip is now not taken at face value, but scrutinized for soundness and practicality and direct bearing on results.

The Boston Home For Obscure Celebrities

Boston is the home of competitive weather bureaus. WEEL had one for years, now the Yankee network is selling the 'jolly warnings to ships at sea' as something pretty new and pretty sensational. Boston is like that. Nobody on the outside ever quite succeeds in understanding its merchants, its politics, its tea parties, or the strange disappearance of the populace on the Sabbath.

On basis of sheer making a lot out of the material at hand, WORL, Boston, rates a nod. While many of its brightest inspirations necessarily concern schemes for getting free talent, station does have a fairly clear picture of itself, what it can do, and what it can't do. (Weather is given due deference here also.) WORL has a lively press agent, Marjorie Spriggs, who is devoted to flashy presentations, one of which some months ago copied the Frank R. McIninch award for Air Mail co-operation. WORL may be described as the Boston Home for obscure celebrities. WORL interviews 'em all.

Boston doesn't create much in the way of programs. WNAC has a Catholic Question Box, conducted by a Jesuit, and WAAB has a Harvard debating series and WBZ has coast guard, fire and police department gestures. The big theme in Boston showmanship is: humidity, precipitation, codfish, and dog racing.

Politicians' Backyard Alert for Stunt Stuff

Washington has—like Hollywood and its films—one primary industry—politics. Of its four radio stations, three are web-operated. WOL is more in the nature of a community station, harping on sports, talks, etc., and what might be described as the normal life of a city. Other three, aside from being a hopper into which the political fodder of the nation is dumped for distribution throughout the nation, are slickers. They have stunts, glib public men, try their hand at some creditable programming, and in other ways affect the speedy level of their city.

WJSV in times past has received special mention by VARIETY for the plethora of its stunts. From the list received this year it is apparent that WJSV has almost out-WJSVed itself. Must be the proximity of stumpy politicians that puts 'em in this frame of mind.

WRC-WMAL are piloted by Kenneth Berkeley, and have a snappy

PLAQUES TO SPONSORS

Showmanship Awards—1938

by

VARIETY

SPONSORS

(See lead story in adjacent column for comment.)

1. LEVER BROTHERS CO.
2. ATLANTIC REFINING CO.

PROGRAM ORIGINATING STATION

WLW, CINCINNATI

Crosley station, country's sole 500,000-watter, again wins a plaque for program origination. Surveying the nation as a whole there is a conspicuous lack of rivals for this recognition. Certain stations in Hollywood and Chicago are origination points, but primarily as branch studios of New York. WLW has 34 musicians, six arrangers, four copyists, nine conductors, including Josef Cherniavsky, William Stoess,

Previous Awards 1936—WLW, Cincinnati
1937—WXXZ, Detroit

PRESTIGE SUBSIDIARY

WTIC, HARTFORD

Mouthpiece of the Travelers Insurance Co. has long enjoyed a good trade standing for identification with enterprise. Its former deficits were accumulated in the cause of fine programming. Today it is in the black.

Previous Awards 1936—WTIC, Rochester; WHAS, Louisville
1937—WOW, Omaha; KSL, Salt Lake City

FARM SERVICE STATION

WSM, NASHVILLE

Another insurance company station is WSM. It has spread its influence far beyond the city limits of Nashville and has been steadily training part of its fire on rural audience.

Previous Awards 1936—WFO, Des Moines; WLS, Chicago
1937—KMJ, Clay Centre; WDAY, Fargo

NETWORK-OWNED STATION

KNX, LOS ANGELES

Although deriving some portion of its eminence to the Hollywood trend in national advertising KNX pretty well dominates the Los Angeles situation and gets the palm as the pace-setter in network-owned station operation for the year.

Previous Awards 1936—KMOX, St. Louis
1937—WBT, Charlotte; KHJ, Los Angeles

NEWSPAPER-OWNED STATION

WWJ, DETROIT

Detroit News station is operated with a showmanly sense of coordination with the community and between the two media, air and printer's ink.

Previous Awards 1936—WKY, Oklahoma City
1937—WFAA, Dallas; WDBJ, Roanoke

FOREIGN LANGUAGE STATION

WOW, NEW YORK

Has adhered to a conscious policy of cultivating the polyglot colonies of greater New York, notably the Italian market. Has displayed considerable showmanship within this sphere of activity.

Previous Awards 1936—WBNX, New York
1937—CKAC, Montreal

SOCIAL SERVICE STATION

WHA, MADISON

is college-owned transmitter performs a very broad service to education and to agriculture. History of non-commercial of educational ownership has in general been characterized by more petulance than performance, but this station is commonly conceded to do a practical and commendable job. This station, by the way, will be 22 years old next spring.

Previous Awards 1936—WBVD, New York
1937—KSTP, St. Paul; WSMB, New Orleans

SPORTS STATION

NO AWARD

This is another category in which there has been no choice. While many stations are consciously following a 'sports policy' there seemed to the VARIETY jury no warrant for a citation.

Previous Awards 1936—WIND, Gary
1937—No Award

NATIONALLY EXPLOITED STATION

WOR, NEW YORK WFER, BALTIMORE

WOR and WFER are two stations that have made a strong impression upon the trade, each in its own way and for its own reasons. WOR's standing in this regard must be attributed in considerable measure to its special events and stunts, notably its 'deadly parallel' inspiration during the Czech crisis. The national exploitation phase of station operation is one of the least developed and has indeed not gone far since VARIETY's first survey of showmanship in 1933. WFER in a relatively tepid community has been stealing plenty of bases.

Previous Awards 1936—WCKY, Covington
1937—No Award

COMMUNITY EXPLOITED STATION

KVOR, COLORADO SPRINGS

This station's community job is actually propelled from the outside (being a country cousin of the WKY-KLLZ newspaper-owned family), but the sheer showmanship of some of the stunts adopted to kindle a 'home town pride' psychology rates more than a nod.

Previous Awards 1936—KFYY, Spokane
1937—KWL, St. Louis; WGN, Chicago

GITE LEVER BROS., AND ATLANTIC

Soap Company Identified with Three Successful Night-Time Shows, While Gasoline Company Won Good-Will by Restraint in Its Commercials During Football Games

SPONSOR INFLUENCE

In connection with, and supplemental to, its annual evaluation of community showmanship by radio stations, VARIETY this week is awarding special plaques (see reproduction on adjacent page) to various stations singled out for prominence, leadership or distinction within the scope of certain types of activities. These receiving plaques are noted in the two-column box to the left of this text.

This is the third year VARIETY has made such station awards. This year, a further expansion of the scope of the awards is provided so that VARIETY may, from year to year, single out other than broadcasting stations to present plaques for what seems, in its judgment, to be examples of exceptional showmanship.

This year two sponsors have been recognized by VARIETY, each for a different reason, but each, it is felt, with conclusive plausibility as a choice. These words are the first the sponsors or their agencies will know of or about the awards. (And the same is true of the radio stations getting plaques.)

'Exceptional citation-1938' is the wording of the sponsor plaques which go to:

1.

LEVER BROTHERS CO.

For

'Lux Theatre of the Air.'
'Big Town' with Edward G. Robinson and Claire Trevor.
The Al Jolson program.

2.

ATLANTIC REFINING CO.

For

Good Taste in Radio Commercials.
Two aspects of sponsor impact upon radio production are covered by these recognitions. First, the aggressive soap-sellers of back-of-Bay Boston, are undoubtedly among the best informed of radio sponsors on the subject of radio, and the identification of one company with three successful night-time programs is deemed on the phenomenal side. Lux, for one, has been a pace-setter of its kind and in its whole setup is replete with showmanship. J. Walter Thompson and Ruthrauff & Ryan handle the three specified entertainments for Lever Bros. Co. (Spray spot announcements also enjoy a reputation for doing a job, as do a brace of Lever Bros. serials.)

Atlantic Refining Co. of Philadelphia has been sponsoring football games. While current events from one standpoint constitute a flight from entertainment, and superficially from showmanship, the football shows have acquired an immense good will for the sponsor by reason of the restraint, good manners and judgment used in the commercials which never intrude between the third and fourth down or just before a punt. It has long been apparent that one of the great dilemmas of radio advertising was a suitable compromise between sledgehammer copy and the program context. N. W. Ayer is the gasoline company's agency.

Sponsors Sky

Sponsors are, as a breed, spotlight-shy and reticent. About them, either as disembodying corporations or as hidden ball carriers, have grown up all sorts of legends and fancies. In some cases the sponsor is considered a confounded nuisance. In other

WEAK-SISTER STATIONS

Showmanship, according to evidence amassed in the VARIETY surveys, is directly proportional to the amount of competition in the community. There are only rare exceptions to this rule. And they would better classify as freaks, or as temporary situations soon to be terminated by natural pressure.

It would follow as a natural corollary to this theorem that in cities where all the stations are under one management, competition and showmanship would both be at a minimum. Conversely, it would seem that in cities where two stations under one management nevertheless have lots of competition, both stations will have to be wide awake.

These corollaries appear to be relatively true. In Cincinnati, for instance, where Jimmy Shouse and Bob Dunville run WLW and WSAI, both beset by the onslaughts of showmanship-minded Bill Schudt, L. B. Wilson and Mort Waters, the Crosley aggregation has to keep stepping up the pace to keep its leadership. Similarly Ralph Atlas; with WIND and WJJD in Chicago, can't let grass grow under his feet.

However, where competition is less active, the sister-station situation poses a question—perhaps even a real problem. Sister stations are prone to be a giant and a dwarf in such situations. The station with the higher wattage gets all the pampering, and the little fellow simply tags meekly on behind as a pale carbon-copy. Either that; or both stations exhibit a disregard for showmanship entirely.

Further pursuit of the theory of competition vs. showmanship, however, leads to such headaches in analysis that it cannot be broached without plenty of reservations. The best that can be said is that for the industry as a whole, intensification of showmanship MUST continue unless profits are to reach a stable level.

Seemingly competition can be enhanced in any sector by the simple expedient of power boosts or addition of further stations. This is, however, obviously not so. For if a station on 1400 kc with 1,000 watts were to be equal in coverage with a station having 1,000 watts on 500 kc, it would have to get such an enormous power boost that its operating expenses would kill it. There is simply no feasible way at present of equating coverage of competing stations without incurring impossible operating expenses for those stations high on the frequency band. And this is only a small presentation of the whole problem. FCC has sweat blood over it, and can't solve it.

Barring a radical revision of the entire broadcasting setup—and this does not happen to be in the cards currently—the best engineering approach seemingly possible will be confined to rather narrow limits. This means that the little fellows will have to work like the dickens to make a living, and the bigger fellows—with better power, etc.—had best work just as hard or have the FCC punching them in the ribs forever. The entire situation again resolves itself to the original contention—showmanly management, showmanly operation are of prime importance. Whereas certain stations now have less competition than others, it does not seem unreasonable that the FCC can turn itself into a competitor, even if it can't work out the engineering problem fine enough to create competition from within the industry.

'Doc Christian' East For Five; 'Fibber' to Coast

Hollywood, Dec. 13.

Score was even last week on comings and goings in radio. Fibber McGee brings his troupe here Jan. 24 and Jean Hersholt does his 'Dr. Christian' dramatic turn in N. Y. Four A's headquarters will be the Waldorf-Astoria hotel, N. Y., while the ANA has picked the Westchester Country Club, Rye, N. Y.

First day of the Four A's meet will as usual be restricted to member attendance.

SPONSORS, AGENCIES N. Y. CONVENTIONS

American Association of Advertising Agencies will hold its 1939 convention in New York May 11 and 12, while the spring get-together of the Association of National Advertisers is set for May 10 to 12, inclusive. Four A's headquarters will be the Waldorf-Astoria hotel, N. Y., while the ANA has picked the Westchester Country Club, Rye, N. Y.

First day of the Four A's meet will as usual be restricted to member attendance.

Winchell from Miami

Walter Winchell's Sunday night broadcasts for Jergens Lotion will emanate from Miami, starting this Sunday (18). Columnist doesn't know how long he will remain at the southern resort.

Blayne Butcher, who handles the broadcast for Lennen & Mitchell, leaves today (Wednesday) for Miami. He will remain as long as the program originates from that point.

cases he—or they—drive a straight ball right down the fairway. It has been the theory of VARIETY from the beginning (and the theme of much editorial backseat driving) that in the final reckoning the sponsor must take the responsibility for radio programs, since the sponsor is the piper that calls the tunes or delegates the authority.

Digest of Community Data

(Continued from page 32)

hook-ups, and WDRC, a money-maker always, maintains status quo. Or take Louisville with WHA* (13 men) and WAVE (nine)—the advertising agencies rate this as an okay showmanship town but with little occasion for special mention on 1938 activities. During the floods of the year before both distinguished themselves and the broadcast industry by superb emergency work.

KYW, Philadelphia, And KDKA Much Snappier

A city that has gained in showmanship year by year is Philadelphia. KYW under Leslie Joy is far more emphatic as a community personality than when hitched to WCAU as a step-child. Station has particularly gone to town for the Red Cross, safety and gentlemen farmers (owners of estates outside Philly) so this, plus a sympathetic interest in stunts specially has helped. This may be regarded as extraordinary since NBC n. and stations are not forte on local characteristics.

Other glimpses of Philadelphia station showmanship produce these summations:

WFIL—Now under Roger Clipp following exit of Don Withycomb. Has eight musicians. A question mark for future pioneering.

WID—Strong publicity department; stunts policies generally.

WDAS—Gets attention way beyond what might fairly be considered its due proportion of breaks. Has specialized on foreign linguists to which has been added serenades to the Negro population. Has sent WDAS talent, expenses paid, to local hospitals and done quite a lot to make its presence felt. This is the home of press agent pipes and stories that are good for a laugh but not to be taken too literally.

WPEN—Has been pepped up in 1938. Desires to move away from Anglicized programming.

WCAU—Has 16 musicians under Bob Golden. Took initiative in drive for group hospitalization set-up against opposition of diabetics of medical society. Long the local kingpin.

Another NBC station to spring into new local activity is fitting a challenge that it "ain't so" what they say about NBC n. and o.'s is the venerable KDKA, Pittsburgh, now 18 years on the air. A going-over initiated by A. E. Nelson and now carried forward by the present management has made KDKA keen-witted to make hay in its own fields.

Pittsburgh is neither a bad town nor an exceptional town for radio station showmanship. Sports are a staple item of local merchandizing. Newspaper ties affect WCAE, long Hearst's best radio money-maker, and WWSW, owned by the Post-Gazette. KQV's big event of the year was a "copyright" argument with the Pittsburgh Pirates over baseball broadcasts without authorization.

Changes of management sometimes mean remarkably little. This has been the case in several mid-western situations. But Denver's KLZ was definitely turpentine by the city slickers from WKY, Oklahoma City, and the station is now identified with unimpeachable community affairs of station origin or encouragement. CBS started "The Farmer Takes the Mike" and KLZ, liking it, continued it. A radio quiz tricked up a la Movie Quiz compels rapt listening to all KLZ programs to participate. KLZ's picnic drew salami sandwiches by the thousands during the summer.

Des Moines continues a lively crossroads. Cowles Brothers make artful and imaginative tie-ups of their dailies and their two stations, KRNT-KSO, while WHO remains WHO. In Memphis, WMC filed a brief reflecting a continuance of its usual tempo and the other stations remained reticent.

WSMB, N. Orleans, Says Union Helped Stations

New Orleans is a very old town, rich in historical and racial traits. It thus has many strata, lots of color. But from material sent to VARIETY only WSMB has taken cognizance of the situation (WSMB in 1937 was co-owner of the social service award with KSTP).

Making an accurate appraisal of its surroundings, WSMB aims at the

aristocracy, varying this routine with a shot at the hoi polloi. No attempt is made at the middle income groups on the very logical grounds that they are well listeners mainly. WSMB has a six-man house orchestra (all brass) and frankly says that the AF of M did radio some good. Arty groups, etc., are given wide recognition by the station, but phoney civic booster stuff is tossed aside on the grounds that it has an editorial-propaganda tinge. Station is affiliated with the Maison Blanche department store and the Saenger Theatre Corp., and its conduct is thoroughly commendable.

WVL, operated by Loyola University and piloted by Vincent Callahan, sent nothing in. Ordinarily this would not be a good omen. But in this instance VARIETY is tempted to be lenient. Station has recently been upped to 50,000 watts, involving lots of work and it begins to look likely that a spotty showmanship record in the past may be substantially improved. Nothing more definite, however, can be said in the absence of a WVL brief.

Three other stations, WBNO, WDSU and WJBW sent in nothing. WBNO and WJBW share time with each other, and no amount of pressure from the part of VARIETY (or the VARIETY RADIO DIRECTORY) has ever got a peep out of them.

Twin Cities Report 100% To Showmanship Survey

Minneapolis-St. Paul is another example of a major market with plenty of stations attuned nicely to the community. Up here they have a fine university, think in progressive terms, and spend coin when they have it. Department store sales for the first 11 months of 1938 are only off 3% in the Minneapolis-St. Paul sector, making a three-way tie with Atlanta and Dallas for the current U. S. record. Stations pretty well reflect this situation.

KSTP, piloted by Stan Hubbard, has taken its cue from the educational angle, and harps on that aplenty. Maintains a 19-man house band with Alex Studer as arranger and Leonard Leigh as director. Civic projects are loaned the agree-

Job Clinics

'Human interest' programs are still markedly on the upgrade. This is no surprise whatsoever, for in practically all instances programs of this type cost nothing. Some of the samples are of social value. That includes job clinics and such stanzas as the refugee program on WEIN, New York.

Job clinics perhaps rate an especial merit because they show the biggest divergence from similar stuff in newspapers—newspapers don't have job clinics; they have classified advertising. On the other hand, too much cheap programming needs no comment as a drag-down of station reputation.

gation free of charge: KSTP also goes in for the front stuff with speakers, etc., to round out a neat program. This outfit in 1937 (with WSMB) got the VARIETY plaque for social service, and this paper subsequently has seen no reason to change its mind about the National Battery airer.

WCCO, under Earl Gammons, is typically CBS in stunts, snappy tie-ups, etc., over and above its standard functions. Twelve-man house orchestra. Artists bureau. On its toes.

WTCH harps on news and sports. Three-man orchestra is maintained, but no other local talent. Omission of local prima donnas cannot be considered as anything except a reasonable survey of the situation. It takes time to develop the local gang, and perhaps sports and news make a better substitution where too large an outfit is impossible.

WMIN tries to find its niche mainly on a spot news basis. 'News of the hour' station is its self-estimated place in the puzzle. No house orchestra. Amateurs plentiful. Local station trying to make good along standard, but acceptable, lines.

WDGY is the entry of Doc Young, whose name is synonymous with a g.y. Rolls Royce, an office full of gadgets, and similar personal-color

stuff. Here's the case of meeting competition with color in terms of personality. Four-man house orchestra, and an Italian Sunday night program.

Following deductions can easily be drawn from these sister cities and their stations: (1) Healthy competition breeds specialization and that's what radio has to come to some day; (2) that the Minneapolis-St. Paul coterie is strictly on its toes is evidenced by the fact that not a single station in the city failed to bombard VARIETY with eloquent samples of its showmanship—well-nigh a record in good behavior. (And thanks!)

The Towns That Have Changed but Little

And so it goes—city after city shows fairly typical 'industry' characteristics, but modified by localisms. In Kansas City there's Don Davis and John Schilling to make part-time WHB seem wideawake, and Arthur Church runs his share crop program plantation, KMBC. Oklahoma City is buzzing with stations that are forever thinking 'em up. KOCY opened May 20 as the newest contender, and in a limited and tentative way shows some animation. KOMO is revising many of its policies. KPOK is sports and special events conscious. WKY remains the regional barnyard.

A town like Rochester, N. Y., is a perennial fight between two stations, one with pretensions to dignity, WHAM, and the other with no inhibitions, WHEC. Latter probably does more in a showmanly sense.

Omaha should add up strictly on the basis of wave-lengths and wattage. There are two high-power regional: here—WOW and KOIL. There's also a part-timer, WAAW, operating until approximately sunset on the cleared channel of WFAE, New York.

But calculation on the basis of wattage entirely doesn't make enough sense. For WAAW, the less favored entry, has been perking nicely. Co-managers are Frank Schopen and Walter Myers. They've got a six-man house band, and are making a hefty drive for local biz. Station sizes up as well-run part-timer. Dicker now on 'to sell the outfit to a local paper.

WOW has been, and is, the smoothie. Shows zip, and is stunts in certain aspects. Has 13 musicians on the roster. Police bulletins, job clinics, etc., are regularly aired. Johnny Gillin in charge, and his job continues to size up to the par of prior years.

KOIL was not heard from for these reports. Don Searle in charge there. KOIL is a piece of the Central States Broadcasting System which also includes KFAB and KFOR, Lincoln, also not heard from.

St. Louis has a newcomer, WEW, which went commercial in September, 1937, and is now upholding it against bigger rivals. Al S. Foster from New Orleans has been vigorous in his attack and this station may be fairly reported as famous beyond its ordinary claims to fame. German, Hungarian and Italian programs, tie-up with Catholic sodality groups, women bowlers and other local measures have been exploited.

For the rest KWK and KMOX are fighting it out. (KSD did not file.)

Syracuse and Salt Lake; Long Distance Contrast

Salt Lake City and Syracuse, so far as showmanship is concerned, have much in common. Stations are well-behaved, think in terms of merchandising, promptly answer mail, and in other respects conduct themselves like business men.

Geographically situated so as to have adequate economic resources invading steadily in, but yet not sitting in an out-and-out gold mine, the four stations in this pair of cities will always moderately follow new ideas. But they themselves won't be originators. That's no indirect slap at them. It's a comment on conduct of a type which is commendable, yet not subject to translation into terms of a John the Baptist of showmanship.

Inside the cities themselves, Salt Lake City shows more intramural differences than Syracuse, due entirely to FCC allotments of power. KSL is on 50,000 watts, clear channel, and furthermore is so favored

by geography that its signal is a mighty beam. It may be remembered that the District Attorney of Silver Bow County, Mont., squawked to the FCC that KSL blows through there like a fast freight. Since KSL is thus provisioned by the government as one of those cover-all stations in sparsely populated areas, its programming, showmanship, etc., has to be away from strictly community angles. And yet the station has remarkably well put some local stuff in. Employs a 15-man

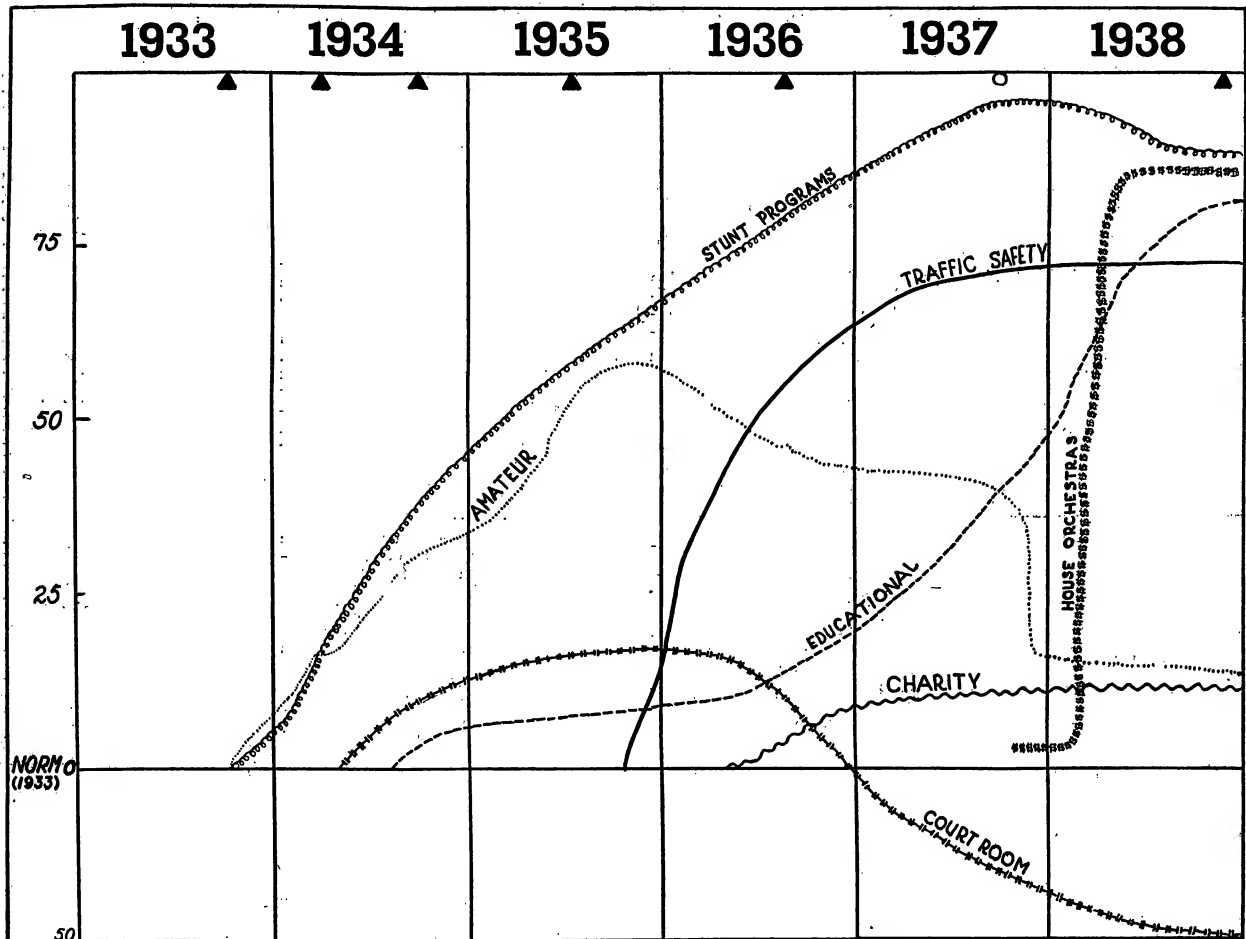
(Continued on page 35)

MUSIC STAFFS OF STATIONS

Following list shows the quota of union musicians maintained by various stations, according to their (the stations') own reports:

Station	Number of Men
WGST, Atlanta	8
WFRB, Baltimore	14
WCAO, Baltimore	9
WBAL, Baltimore	9
WBZ, Boston	8
WEEB, Boston	12
WORL, Boston (non-union)	13
WBEN, Buffalo	15
WCFL, Chicago	12
WENR-WMAQ, Chicago	70
WLS, Chicago	16
WJJD, Chicago	10
WIND, Gary-Chicago	5
WGN, Chicago	26
WBEM, Chicago	27
WSAI, Cincinnati	9
WCKY, Cincinnati	3
WLW, Cincinnati	34
WCPO, Cincinnati	1
WKRC, Cincinnati	8
WBT, Charlotte	16
WGAR, Cleveland	12
WHK, Cleveland	16
WRP, Dallas	8
WFAA, Dallas	14
KRLD, Dallas	10
KLZ, Denver	6
KOA, Denver	7
WHO, Des Moines	42
WJR, Detroit	16
KFZZ, Fort Worth	26
WDRB, Hartford	6
WHBT, Hartford	1
WHT, Kansas City	3 1/2
KHJ, Los Angeles	21
KECA, Los Angeles	13
KFI, Los Angeles	13
KEHE, Los Angeles	13
KKN, Los Angeles	20
KAYE, Louisville	9
WHAS, Louisville	16
WMC, Memphis	6
WTCH, Minn.-St. Paul	3
WCCO, Minn.-St. Paul	12
WDGY, Minn.-St. Paul	4
KSTP, Minn.-St. Paul	19
WMIN, Minn.-St. Paul	1
WHN, New York	12
WNEW, New York	10
WMAA, New York	12
WOR, New York	42
WEVD, New York	5
WSMB, New Orleans	6
KTOK, Okla. City	8
KOMA, Okla. City	7
WKY, Okla. City	6
KMBC, Kans. City	9
WAAW, Omaha	6
WOW, Omaha	13
KYW, Philadelphia	17
WFIL, Philadelphia	8
WTP, Philadelphia	10
WDAS, Philadelphia	5
WPEN, Philadelphia	12
WCAU, Philadelphia	16
KDKA, Pittsburgh	14
WWSW, Pittsburgh	5
KGW-KEX, Portland	23
KOIN, Portland	11
WRVA, Richmond	24
WHBC, Rochester	10
WHAM, Rochester	14
KIOL, Salt Lake City	11
KSL, Salt Lake City	15
KFSO, San Francisco	17
KGQ-KPO, San Francisco	29
KIRO, Seattle	5
KOMO-KJR, Seattle	14
KWK, St. Louis	11
WEW, St. Louis	1
KMOX, St. Louis	15
WSP, Syracuse	8
WFBL, Syracuse	6
WRC-WMAL, Wash., D.C.	14
WOL, Wash., D.C.	2
WJSV, Wash., D.C.	18
Total (93 stations)	1,116
Average number of union musicians per station	12

Trend of Local Programs By Types



(Continued from page 34)

house band, sponsored by five customers.

KDYL is a high-power regional setup, using an 11-man band, and keeping nicely in touch with things. Fact that its call letters are not buried in obscurity—despite KSL's terrific wattage and ownership by the Latter Day Saints (in part)—speaks sufficiently for the station. There's a new local in this city, KUTA, but too new to be commented on.

In Syracuse, WFBL and WSYR run a neck-and-neck race. Take your choice.

Cincinnati Is Squared Ring of Showmanship

During the year, however, certain cities have been more or less competitive. Preeminent among those that now scintillate with activity is Cincinnati. Undoubtedly the spotlight-hogging of WLW is to be challenged in the future. WKRC, after bogging along for years and not meaning much, is presently in the stewardship of Bill Schudt, who copped a VARIETY showmanship plaque while at WBT, Charlotte. Schudt brought in Cecil Carmichael, a sidekick from WBT. In consequence of this vitalizing WKRC is shortening the gap. A parade of attention-getters has been capped by several notable community gestures and artillery practice at various community groups as well as trade bodies.

Given additional time to make his policies and his personality felt, Schudt is a Cincinnati challenger of serious threat. He drives home a point that the whole six-year period of VARIETY's showmanship surveys constantly highlights, viz., almost any station is the magnified reflection of the man at the helm. This is shown time and time again. Consider the association of ideas that confirms this truism in the following list:

WKRC—Bill Schudt
WJJD—Ralph Atlas
WFAA—Martin Campbell
WBAP—Harold Hough
KMBC—Arthur Church

KSTP—Stanley Hubbard
WCKY—L. B. Wilson
WOW—Johnny Gillin
WMCA—Donald Flamm
WGR—Ike Lounsberry
WSYR—Harry Wilder
KFI—Harrison Hollway
WREC—Hoyt Wooten
WCAU—The Levys
WIP—Ben Gimbel
WOAI—Hugh Half
KGB—Ed Crane
WHB—Don Davis
WHIO—Leonard Reisch
WGAE—John Patt

And the list could be made much longer.

By a coincidence a Schudt-trained man, Dewey Long, is now boss at WSAI, the secondary Crosley station which is not kidding this time about making the divorce from WLW a substantial actuality. Long's instructions from Jim Shouse and Bob Dunville is to send down roots into the native soil. Jack Thornquist, Harry Shuler and John Conrad are lined up to help Long go to town.

To the burst of showmanship at WKRC and the turn of events at WSAI must now be added the 50,000 watts which smartie-pants L. B. Wilson has just grabbed himself. That starts March 17 next. Thus, Cincinnati should see some real competition.

This is not to slight M. C. Watters at the small Scripps-Howard WCPO, which rightly burrows itself a comfy niche with news and sports.

Show Biz' Own KFWB Doesn't File Report

Los Angeles accomplished the exclusion of itself from the 1938 showmanship survey when its presentations, or lack thereof, seemed an affront to the theme. There appears to be a lot more purely local activity at present, although the mails were opened in vain for any report from Harry Maizlish of KFVB, owned by the Warner Bros. film company (the snub direct to a showmanship survey by show biz!)

Prominent among the Los Angeles stations are these:
KFI—Put over a snappy local inspiration called 'Parents on Trial' (the title tells all) and has been

much more showmanship-minded since Harrison Hollway's regime. Latter revived himself as a broadcaster, among other moves. Station now has 13 musicians on the payroll. KEHE—Going after sports and Negro audiences. Uses its 13-man orchestra to build five programs. Also made gestures to Chinese col-

All Good on S.O.S.

Few stations, according to their own evidence, actually try to give themselves a special character—a separate identification or tag in their communities. This is a notable shortcoming, and shows a lack of true survey of the situation. It is further reflected in the very lax station promotion—little of which correlates figures on listening with listener incomes. Stations as yet don't think that way, although network advertisers have pondered listener incomes for the past five or six years.

In one field, however, virtually all stations deserve an 'A' plus. That's in emergency work. In rescue direction during disaster, news coverage of calamities, etc., radio has yet to find even a fair rival. Stations really take this phase of their responsibilities to heart, and the results are positively bang-up.

ony. Hearst-nurtured station has had bumpy going but has sought to find an appropriate community place.

KNX—This station has been hum-dinging since sheltered in fancy new hacienda and invested with the reflected glamour of flimdom. Open throttle on civic attention-getters.

A Few Remarks About Radio's Lost Horizon

In the far west the eastern agencies look in vain for familiar personalities. Yes, they know some of the call letters. But that VARIETY quip of some years ago about 'the lost horizon of broadcasting' isn't

America Marches On

Following excerpts from the data sent in by stations to the VARIETY showmanship survey, speak for themselves as daffy, eccentric, unique, comical, or even downright blasé samples of something or another:

WCAO's (Baltimore) own estimate of its efforts in showmanship: 'No special effort.'

WBAL (Baltimore): 'Gary Most conducted a series of programs of a man in the grave in an amusement park—the man actually having been buried.'

WNAC's (Boston) contribution to the security of New England: 'How to Detect Counterfeit Money' broadcasts.

WLW's (Cincinnati) rating of the prime inspirer of showmanship: 'With the help of the FCC we feel we have done an outstanding job in keeping WLW to the fore.'

WGAE (Cleveland): 'We arranged a singing contest between two singers—one in a bathtub, the other one in the studios.'

KENT's (Des Moines) inclusion under special events: 'We broadcast the ceremonies when Boone, Ia., adopted English actor Allen Mowbray.'

KSO's (Des Moines) ditto: 'a tin-can derby race of old automobiles.'

WHB's (Kansas City) photo of the year: a glossy print of Sally Rand for no apparent special reason other than that she went to school with WHB's chief engineer.

WNEW's (New York) native son gesture: a program for the American Indian Foundation.

KOMO's (Seattle) contribution to music: 'minstrel type jam.'

WAPI (Birmingham): 'We cooperated in a Southern accent contest for the leading role in 'Gone With the Wind.'

KYW (Philadelphia) special event: the milking of a rattlesnake.

WIP (Philadelphia) mystery: broadcasts from the British officers' club.

WEV (St. Louis) sales promotional note: produced a brochure on tissue paper entitled 'Things Are Happening.'

WJSV (Washington) prestige builders: a 'rat riot' (among chinchillas); a ZaSu Pitts impersonation contest (in which ZaSu Pitts herself ran second); hatching of a penguin in the zoo; a fence whitewashing contest a la Tom Sawyer; a cat-and-mouse show; an airplane wedding.

much changed. Seattle and Portland seemingly still look to San Francisco and Los Angeles more than to New York. KOMO-KJR, Seattle, did make one prominence-securing gesture—the sending east during the year of Hugh Felts with a special commercial film of his station and market. This is not to imply that Portland and Seattle do not display local showmanship but merely to reiterate how the haze of 3,000 miles is still well-nigh impenetrable. These stations are sold on power and population almost entirely with station personality—important notably in the middle west farm belt—a factor left out of calculations by eastern time buyers.

And Finally—New York; It's Amply Competitive

New York City is possibly the best showmanship town of all. This statement may be greeted with a chorus of provincial hisses, or may be ascribed to the much-celebrated insularity of viewpoint of persons residing on the subway circuit. Nevertheless it seems a justified affirmation of fact in view of the number of stations and the range of their activities.

Granted that the metropolitan zone possesses fabulous possibilities of audience creation, that the dis-

(Continued on page 36)

Digest of Community Data

(Continued from page 35)

tribution of races, classes, income levels, residential neighborhoods and the infinite variety of professions, hobbies, group interests, etc. presents glorious showmanship opportunities not universal with most American communities, the offset to this is that New York is dotted with stations, large and small and the competition is terrific. Even in the early hours of the morning there is a slugging match going on all the time among such stations as WOR, WABC, WJZ, WMCA, WHN, WNEW.

The rivalry for dance orchestras late at night is another aspect of the battering process competition forces upon all. No city offers such impressive examples of the mutually-stimulating results of competition and plenty of it. To itemize:

WMCA—Has moved into classy new quarters and looks like the home office of the mauve network. Has achieved prominence by its forthright stand on Father Coughlin. Specializes on coverage of front page trials (an echo of its happy memory of prestige from the Morro Castle hearings) and is quick to grab banquets, civic gatherings and so on. Late in fall inaugurated a program with former Mayor James J. Walker as emcee. Has an artists bureau and a 12-man orchestra.

WNEW—Goes in for swing and more swing. It's the jitterbug headquarters. One of two New York stations managed by women (Bernice Judis here, Hyla Kizales at WOV-WBIL). Has resumed pressure on news programs after tapering off for economy reasons during summer. Ten-man orchestra. Alert exploitation and long roots in local soil.

WNYC—This is the municipality

station which has been on the air for 10 years or better but has now taken on a new vitality under the management of Morris Novik. Stresses consumer, market and culture stuff. Has a sunrise symphony hour 7-8 a.m.

with time announcements. Broadcast activities within the city and job openings in many of the departments. Classroom tie-ups, much WPA music, a symphonic version of the quiz stunts, currently popular, con-

certs from various museums and civic places. Station gets better than its share of publicity breaks in the local press.

WOV-WBIL—Joint management set-up. Has an active artists bureau

under Syd Leipsiz catering to foreigners. During 1938 took initiative in various Americanization gestures.

WEVD—Another to move into fancy new offices. The labor union station.

WHN—Louis K. Sidney has been absent throughout 1938 as producer for Metro-Goldwyn-Mayer of the Maxwell House program. Station is managed by Herb Petley.

Put over a pipperino in its 'Refugee Theatre of the Air' whereby a humanitarian gesture was combined with publicity-getting. Has revised its orchestra to stress soloists, one of few stations in country with a practical policy of this kind. Brought over Dick Fishel from WMCA as sports editor. Ed East now runs the venerable WHN amateur hour (also a participation sesh).

WOR—Has 28 musicians in New York at 14 in Newark, its nominal home base. Alfred Wallenstein and Leo Freudberg respectively handle batons but arranger-stylist conductors supplement, i.e. Morton Gould, Ernie Fiorita, Ray Sinatra, Bob Stanley. Station is constantly building shows and has had substantial success with musicals but seemingly lacks right manpower to recognize, regulate or develop comedy. Meanwhile there's Benay Venuta, Jimmy Shields, the Charloeters, Martha Deane, Alan Courtney, Bob Emery, Dr. Charles Courboin and Dr. Charles Funk as evidences of program activity.

Station is stoutest in two aspects: (a) it has built a solid rep for its engineering and (b) it is a heavy hitter in special events of which some 120 examples were unfolded during the year. WOR has the glittering count of 73 national advertising accounts.

Stations' Direct Mail Is Clumsy

Of all the material sent to VARIETY for aiding judgment in making showmanship awards, the frowziest by far was station direct mail sales promotion (including brochures, etc.). While the intention of stations in sending this dope to agencies, etc., was and is laudable, no diagnosis of the stuff itself can fail to be tinged with acid. It isn't showmanship. It's kindergarten.

The direct mail stuff has color, photos, photos, verbiage and figures. In fact, it has everything except promotion. Shortcomings may be boiled down as follows:

1. Most stations use direct mail to run down their competitors. Hence, it is not unusual to find the competitor getting more indirect plugging than the originating station itself.

2. Typography and photos are of such calibre that they should not be examined after mealtime.

3. Language and phraseology are in English, but not of the sort commonly employed in the lucid transmission of ideas.

4. Forceful points fail to stand out because they are buried under a welter of sub-points and miscellany.

5. Laudable attempts at creating a character for the stations and their operators are flops because the promotion pieces fail to have character.

6. Surveys and maps are included which fail to make sense unless accompanied by an interpreter in person. One station sent out a list of station preferences which actually showed as big a percentage of 'no preference' votes as all the preferences combined. At face value it seems to mean that all the stations in the town are asleep.

Such bungles are seemingly caused by two misconceptions on the part of the promotion-senders: (1) they fail to hire professionals, thus wasting coin on home-made valentines; (2) they draw no distinction between printed media and the stuff which Uncle Sam will deliver at 1½¢ a throw. In direct mail a piece stands on its own. There's no text to save it, as in trade papers. A flop is simply resounding. From the samples on hand, the stations would do better to engage professionals, or lean on the kindly arm of accompanying editorial text. Intentions are laudable, but execution is awful.

Sponsors—Agencies

WJW, DETROIT
Loose Wiles Biscuit Co., 'Broadcast' with C. J. Bradner, 13 weeks, ten minutes five days weekly. Through Newell-Emmett, Inc.

Industrial Morris Plan Bank, 'Who, Me?' with Prof. E. A. McPaul, 13 weeks, 15 minutes Sunday afternoon. Placed direct.

Somet-Solway Coal Co., 'C. C. Bradner Newscast,' 13 weeks, 15 minutes Sundays. Placed through Chas. A. Mason agency.

Borden's Farm Products of Michigan, spot announcements, 13 weeks, five days weekly during dinner hour music. Placed direct.

WCAE, PITTSBURGH
Remington-Rand Co., 50-word announcements three times weekly for month, through BBDO.

Price Dress Shops, five-minute spot once weekly for four weeks. Placed direct.

Coca-Cola Bottling Co., renewal of daily quarter-hour with Singing Sam for one year, through D'Arcy Co.

Fort Pitt Biscuits Co., station breaks six times weekly for 13 weeks, through BBDO.

Maytag, two 100-word announcements daily three times weekly for two weeks, through McCann-Erickson.

Puget Sound Light Co., quarter-hour musical show, weekly for 13 weeks. Placed direct.

Boromont Buick Co., five one-minute announcements. Placed direct.

Isaly Dairy Co., 13-week renewal of Big Swing musical-sports show ending April 10, 1939, through Ketchum, McLeod and Groves.

Royal Lace Dollies is clearing a five-minute transcription campaign through the Lawrence Gumbinner agency. There will be 39 of them to be run off within 13 weeks.

Institute of Applied Science, through Matteson-Fogarty-Jordan, Chicago, has placed quarter-hour transcriptions weekly.

Penick & Ford (Vermont Maid syrup), through J. Walter Thompson, New York, three transcribed announcements weekly through Mar. 24.

Industrial Training Corp. (school), through James R. Lunke, Chicago, five-minute transcribed broadcasts of 'The World We Live In.'

Philip Morris & Co. (Paul Jones cigarettes), through the Biow Co.,

New York, signed 26-week contract for broadcast of twice-weekly live talent program, 'News and Views with John E. Hughes' from KFRC, San Francisco, to KIRM, Eureka; KQW, San Jose, and KDON, Monterey, Cal.

Pacific Brewing & Malting Co., through Brewer-Weeks Co., San Francisco, is bankrolling new weekly half-hour live talent show, 'The Answer Game,' over KFRC, San Francisco. Through May 24.

Spreckels-Russell Dairy, through Lyon agency, has renewed for a year its weekly half-hour 'Brain Battle' program on KFRC, San Francisco.

The Rosierians (religious), through Richard Jorgensen agency, San Jose, Cal., begin 18-week transcribed quarter-hour program, 'Mysteries of Life,' Jan. 10 over KFRC, San Francisco; KHL, Los Angeles, and KGB, San Diego, Cal.

Chrysler Corp., through Ruthrauff & Ryan, New York, spotting 18 transcribed one-minute announcements on KFRC, San Francisco, between Dec. 5 and 15.

Sherman K. Ellis & Co., Chicago, has resigned the Sawyer Biscuit Co. and Quality Biscuit Co., divisions of the United Biscuit Co. account.

Narbet Food Co., Huntington Park, Cal. (Marco Dog and Cat Food), will sponsor a spelling bee on KPO, San Francisco, half-hour weekly beginning Dec. 30 through June 23. Long Advertising Service, San Francisco, placed the account.

Citizens Federal Savings & Loan Assn., through W. S. Warner agency, is spotting five-minute transcribed announcements weekly, starting Dec. 18 on KGO, San Francisco. Contract is for six months.

American Oil Company, 5 mins. spots, Jos. Katz agency.

BC Remedy, blurs, Harvey Massengale agency.

Coca Cola, transcriptions, D'Arcy Crowell Publishing Co. (Woman's Home Companion), McCann-Erickson agency.

Ford Motor Co., McCann-Erickson agency.

Florists' Telegraph Delivery Assn., announcements, Young & Rubicam.

Maytag, 100-word blurs, McCann-Erickson.

Montgomery Ward, participations, Brown & Alexander.
Nash-Kelvinator Corp., blurs, Geiger-Cornell-Newell.
Remington Rand, Inc. (Typewriters and Shavers), B.B.D.&O.
Scull, Wm., S. (Boscul Coffee), daytime blurs, Ward Wheelock.
Sheaffer Pens, blurs, Russell M. Seeds.

Sensation cigarets (Lorillard) is renewing the 'Don't You Believe It' series with Allen Kent for another 13 weeks, effective Jan. 24.

Extension involves over 40 stations.

N. W. Ayer got two new accounts during the past week. They are Goodyear Tire and Rubber Company, of Akron, O., effective Jan. 1, and United Air Lines, Chicago, effective Feb. 1. Ayer will handle only retail newspaper ads for Goodyear dealers and stores, but the whole account for U.A. Ayer will also make a nationwide analysis of the opportunities and methods for increasing the sale of diamonds in the U. S. for DeBeers Syndicate, London, world's largest diamond dealers.

Jimmy Scribner Will

Open Barbecue Stand

Jimmy Scribner will air Johnson Family program from WLW, Cincinnati, over Mutual net for the next two weeks. He left New York Saturday for home town to be with his wife.

Scribner plans to go into the food business on return, opening a 'McCoy' barbecue stand along Queens Boulevard on Long Island. Figures to catch World's Fair trade with genuine barbecue cooking. Says there's none of it in New York.

Murrow's Vamp 'Til Ready

Return to London of Edward Murrow, CBS foreign representative, is uncertain as to date. Was due back some weeks ago.

Being kept on hand for FCC hearings at which he may make an appearance on the witness stand. Arrived in New York fortnight after Munich pact was signed.

Schudt, Others in N. Y.

Bill Schudt, of WKRC, Cincinnati, Harold Fellow of WEEI, Boston and Lincoln Deller of WBT, Charlotte, all in New York at same time last week.

Making CBS station operations v.p. Meff Runyan plenty busy.

STATION SHOWMANSHIP

(Attention-Getters, Tie-Ups, Ideas)

'Stude at Mike' Sponsored

Detroit.
W. J. Kennedy Dairy Co. is sponsoring 13 weeks of 'Student at the Mike' over WMBE here. Placed by Grace & Bement.

Running 15 minutes daily, Monday through Friday, show will be waxed by station's mobile unit in front of schools. Studies will be interviewed on current topics, with each victim getting coupon entitling student's family to one week's milk supply free. Sound truck is fitted out with banners, with staff distributing trays.

Selling Fish in Seaports

Seattle.
Getting the attention of the housewives over the shoulder of fishermen at sea may sound rather circuitous, but this is the method employed by Izzard agency for Fishing Vessel Owners' Association. Beginning at the eerie hour of 11 p.m. on KOL for five minutes there is a broadcast to ships at sea. Program is prefaced by the sounding of 'six bells and all's well,' followed by brief announcements to housewives that 'women of good judgment serve fresh halibut frequently.' Then, follows for the benefit of the fishermen a report of the day's market price and harvest. The program is continuous nightly except Sunday during all the year except the months in the dead of winter.

Tie-Up with 'The Women'

Pittsburgh.
Tying in with Nixon's current legit attraction, 'The Women,' Walt Frazer, special events man for WWSW, promoted an all-femme quiz show over the station last Saturday night (10) from auditorium of downtown YMCA. Two teams have five professional players on one side and same number of housewives on the other and program was run along regular quiz lines, with emphasis, however, on questions strictly of interest to dames.

Theatre put up \$25 in prizes for winners and also two tickets to 'Women' for each contestant. First time town's lone legit house has ever gone in for semi-sponsorship of exploitation tie-up over the air.

Christmas at WHB

Kansas City.
Station WHB now has in operation its 'Christmas Cupboard' campaign which is a drive for staple foods to be handed out in baskets to needy families locally. A can of food or cash equivalent is charged as admission to studio programs and for requests played on the air. Announcers and writers and technicians pay in cash or in food (redemable before the holiday) for slips that

get on the air or that hold up presentation.

Plan climaxes Dec. 17 when station takes over Music Hall of the munny auditorium for a station-produced show, admission to which is gained by canned food or other staples. Last year's attendance bettered 2,200 and expected this season's turnout will be at least as large. Ed Schilling, station gen., has added a few by ringing up the telephone to play a background of 'Jingle Bells' to the operator's answer to all callers. Music cuts out as soon as call is plugged through the box board.

WFBR's Toy Scouts

Baltimore.
Effective good will tie-up by Ralph Powers of WFBR, sending local kids on toy round-up attracting considerable interest. Offering to give 'Toy Scout' badges to youngsters bringing used toys to branch libraries located in all neighborhoods of town, station plans to repair and distribute collection to needy youngsters in time for holidays.

Stuart Eggleston With KMBC as Reid Goes East

Kansas City, Dec. 13.
Effective Dec. 8, Stuart Eggleston took the chair as program director at KMBC. Arthur Church, station prexy, has made the appointment on a temporary basis, as Eggleston is also engaged in production work on his own.

Lewis Reid, program director since last summer, left the station last week to return East. Free lance production again became his chief interest, as he turns his attention to marketing an air-strip brain-child which has been under his hat for several months.

Eggleston has been retained by KMBC as a consultant since last June.

BILL BAILEY, WLW, MOVED

Cincinnati, Dec. 13.

J. N. 'Bill' Bailey, director of WLW-WSAI publicity for the past three years, became editor of the station's news room Monday (12). He replaces H. Lee Macewen, resigned, who has been ill for some time.

Bailey's successor for the publicity post has not been announced.

ACTORS ASK 'YES' OR 'NO'

Victor Pressing for Adjudication Of WNEW Use of Phonograph Discs; Paul Whiteman Withdraws

Trial of RCA Victor's test suit on the question of phonograph record property rights will be resumed before Judge Vincent Leibel in the N. Y. federal court today (Wednesday) with general counsel of the National Association of Performing Artists doing all the defending. Disc manufacturer proceeded Monday (12) to force the issue to an adjudication after Paul Whiteman who brought the original suit against WNEW, N. Y., was granted permission to withdraw his action without prejudice. WNEW's counsel then advised the court that it would not defend the succeeding action that Victor had filed against the station and Whiteman.

Through Speiser's office Whiteman yesterday (Tuesday) issued a letter to the NAPA membership stating that his withdrawal of the suit had nothing to do with the merits of the controversy. He also declared that he would continue to co-operate in principle that the interpreter has a property right in his work.

Victor's Attitude

Victor's counsel, David Mackay, at the same time made a statement in which he pointed out that his client was not fighting its own artists; that what it was primarily trying to do was to acquire by law a control over the commercial use of records from which the artists would equally benefit. Mackay added that Victor was not only attempting to force payment for such commercial uses but to create a condition that would solve the objections of noted artists who refuse to record because of the competition their discs tend to create for them on the air.

When the case opened before Judge Leibel, Stuart Sprague put in an appearance as counsel for the National Association of Broadcasters. He asked leave to file a brief, explaining that the issue involved was of tremendous importance to the broadcasting industry and that the NAB felt that its views should be laid before the court. Judge Leibel granted the request.

As the court proceedings now stand it's a form of inquest. Victor wants an injunction restraining the station and the named sponsor, Elin, Inc., which likewise is not defending the action, restraining them from ever broadcasting any Victor recordings. Victor holds that whatever artistic interpretation is contributed to the recording by the artists is something that has been bought and paid for by the manufacturer and that whenever the NAPA undertakes to deal with that property right, belonging to Victor, it should be enjoined.

Major part of Monday's hearing was devoted to the laying of a corporate and business foundation by Victor counsel.

TWO NEW ONES BAITED FOR COAST SPONSORS

Hollywood, Dec. 13.

Two new shows were sampled last week by agencies and sponsors. Fields Bros. trotted out a variety turn headed by Pat C. Flick, Eddie Conrad, Dick Lane, Rita Oehmman, Ray, Hendricks and Leon Belasco's orchestra.

John Nesbitt and David Broekman's music are waiting for the nod from Bank of America.

GILCREST A PRESS AGENT

Chicago, Dec. 13.

Charles Gilcrest, former radio editor for the Chicago Daily News, has joined the staff of the Tom Fizzle publicity organization here. Since leaving the News several months ago when the sheet dropped its radio gossip column, Gilcrest has been doing radio scripting for a number of agencies.

A Strange Sight

Lady Esther's latest proposition over the radio to the women of America is that they use this cream on the right side of their faces for a month and use any other cream on the left side, and then compare results. Inference is that one-half of the composite faces of American femininity will glow and blossom while the other half will be dingy and dull.

35% OF SETS TUNED IN ON FOOTBALL

Listening to football games this fall garnered the highest C.A.B. figures of the past three years for this sport. Ratings released yesterday (Tuesday) showed that an average of 35% of all set owners listened to football games in those cities where they were broadcast. This pertains, of course, only to college games in those cities where C.A.B. measurements are carried on. Programmes were not counted.

New figures show a slight increase over 1937 ratings, and a pretty healthy jump over 1936. In 1936 the pigskin rating was 32. In 1937 it rose to 33.4%.

During the season just past, the size of the audience built steadily. Games as of Oct. 1 got a rating of 24.3, while on Dec. 3, the windup of the season, the tally was 44.

ACES AND HUMMERT TALKING NEW DEAL

Renewal of the contract of American Home Products with Goodman and Jane Ace is now up for discussion. Frank Hummert called the 'Easy Aces' in yesterday (Tuesday) to ask team to extend from three to five performances weekly. This would be paid pro rata of present salary. Aces have indicated they will not accept as they served notice months ago they want a substantial raise. No indication as to where No. 1 in their C.A.B. classification.

Aces have asked Hummert to switch them with 'Mr. Keen,' a Hummert office show, but request has heretofore been turned down. Until now Hummert would not discuss renewal or other grievances of team who were distressed during the summer to get fan mail that their transcription supplements to the network broadcasts had been switched in some sections to advertise Flydead, an insecticide. Aces regarded the association as undesirable although a clause in their contract permitted this seasonal switcheroo to another of sponsor's products.

Philco in Ice Box Biz

Philadelphia, Dec. 13.

Philco early next year will begin manufacture and marketing of a new line of electric refrigerators. To supplement radio production. No indication as to where they will be manufactured, although it was learned that the Philco company has purchased the refrigerator division of Fairbanks-Morse & Co., Chicago.

Pat Wilder permanent on Bob Hope's Pepsodent show.

AFRA STRATEGY IS TRANSFORMED

Cantor Presides at Meeting
—St. Louis Case Influenced—Each Agency Approached Separately

HOLT TRIP DELAY

American Federation of Radio Artists has given the advertising agencies until Dec. 22 to accept or refuse its proposed contract covering commercial broadcasts. In delivering its for else ultimatum, the union indicated it will not accept an answer from the American Assn. of Advertising Agencies committee, but expects each individual agency to give a definite 'yes' or 'no' in writing. Terms of the AFRA proposal appear elsewhere in this section.

Asked by the admen if the ultimatum constituted a strike threat, Eddie Cantor, AFRA president, replied that he would make no promises and no threats. Union heads will take the agency answers back to the membership and would then decide what action to take. Any inconclusive answer, such as they want to give the proposed agreement 'more study,' will not be satisfactory, he added. It was indicated that the reason AFRA's demanding individual answers from the agencies is that it has been unable to reach any conclusion with the AAAA committee after nearly a year of negotiations.

AFRA's ultimatum was delivered at a meeting with the AAAA committee last Thursday (8). Besides the agency men and Cantor, those present included Mrs. Emily Holt, AFRA executive-secretary; George Heller, associate executive-secretary and treasurer; Henry Jaffe, attorney; Mark Smith, president of the New York local; Alex McKee, member of the board; Fredric March and Kenneth Thomson, representing the Screen Actors Guild; Lawrence Tibbett, for the American Guild of Musical Artists; and Bert Lytell, of Actors Equity Assn. Reps of AFRA's affiliated unions indicated that organizations would cooperate all the way with the radio outfit.

Mrs. Holt Changes Plans

Although it had been expected that Mrs. Holt would go to the Coast last weekend, she changed her mind (Continued on page 44)

Much Ado About Lombard Guesting Brings Peace to JWT-Guild Fracas

Hollywood, Dec. 13.

J. Thompson, and Screen Actors Guild made their peace last week after a bad situation had been created with respect to Carol Lombard's guesting on the first Motion Picture Relief Fund show for Gulf Oil. After some deliberation in which the contending factions threatened a 'bitter finish' battle, it was decided to allow the star spot on the Relief Fund show to go to some other player.

Controversy was touched off when Young & Rubicam agency picked Miss Lombard from list of availables submitted by SAG to start off the series. That put JWT's Danny Danker on his haunches. Weeks previous she had signed for the Kellogg show, teeing up for a start one week later than the Relief-Gulf. Thompson guest contract forbids appearance on any other airshow for period of 30 days prior to its commitment.

Morgan's Reasoning
Ralph Morgan, SAG proxy, saw an issue in the JWT refusal to release Miss Lombard for the Relief program. He figured if they took such a stand on one player what's to prevent them from making it apply generally on all its contractees. After

Blackett-Sample-Hummert Stalled By Stations; May Force Wax % Issue; Cuts Its Own Discs

Progress

Lux is urging America to whip up a package of its soap flakes with an egg-beater and use liberally as snow on Christmas trees. Soap also removes dirt.

CBS TAKEOVER OF PHONO CO. THURS. (15)

With Herbert J. Yates having arrived yesterday (Tuesday) especially for this matter, the deal giving CBS ownership of the American Record Co. will likely be closed by tomorrow afternoon (Thursday). Brunswick, Columbia and Vocalion are the three phonograph record labels concerned.

CBS has picked a managing director for the new acquisition but is guarding his identity until the deal with Yates has been completely buttoned up so as to avoid embarrassment all around. Independent of CBS, the Levys of Philadelphia, I. D. and Dr. Leon, will have a substantial piece of the phonograph company.

Dema Harshbarger Quits

Hollywood, Dec. 13.

Dema Harshbarger, head of NBC artists service here, has resigned and will retire from active work after 26 years in concert and radio.

Naming of successor awaits return from New York of Don Gilman, net's western division chief.

New C. & S. Talent Set

Paul Gerrits, Bob Grant or Shaw and Lee will get the call for the comedy spot on Chase & Sanborn. Replaces Judy Canova, Annie and Zelle.

Chicago, Dec. 13.

With the stations stalling on a reply to efforts of Blackett-Sample-Hummert agency here to obtain rebate or discount for its clients on radio platters, the agency is contemplating a move to force some action from the transmitters on its demands. Understood that shortly after the first of the year, should no satisfactory solution have taken place, the agency will set a time limit for stations to give B-S-H a flat reply as to whether they will or won't allow B-S-H discounts a special rate or discount. If at the end of that time the stations have still failed to come up with an idea, agency figures to take steps to indicate its own attitude to the stations which have shrugged off the agency's rebate request.

It is expected National Association of Broadcasters will vote entire plan by labeling B-S-H as strictly advertising agency and therefore its clients as being entitled solely to the standard discounts; and that the B-S-H claim that its production activities make it also a disc placement company cannot be recognized.

B-S-H is now cutting 10 platters a week—five for 'Little Orphan Annie' for Ovaltine and five for 'Captain Midnight' for Skelly Oil.

BROMO QUININE'S ADS NIXED BY FTC

Washington, Dec. 13.

Bad news for cold sufferers in last week's crack-down by the Federal Trade Commission on Grove Laboratories, Inc., 'Laxative Bromo Quinine Tablets.' Not only do L.B.Q.T.'s fail to cure or prevent the sniffles, FTC declared, but radio listeners who have counted on 24-hour 'complete' relief from any form of cold infection must keep on looking for the proper remedy.

Findings are that the respondent company's representations are misleading and untrue; Commish observed, 'that its product cannot with certainty "kill" colds or "stop a cold in its tracks," as advertised; that there is as yet no known cold remedy or cure, and no recognized "standard" cold tablet or remedy, and that at most the respondent company's product is an aid or adjunct in obtaining treatment and relief for colds.'

Company, which is located in St. Louis, was ordered to quit broadcast and other advertising to the effect that it would 'provide a cure or "clean out" poisonous infection . . . fortify the system,' etc., to prevent future colds.

Johnny Green Set For Philip Morris Program

Johnny Green replaces Russ Morgan for Philip Morris cigarettes Jan. 28. Biow agency set.

Green will have both the NBC red (WEAF) and CBS spots.

Gordon Thompson to Vallee

Hollywood, Dec. 13.

Gordon Thompson is returning to production of the Rudy Vallee program for J. Walter Thompson, occasioned by the move of Tony Stanford to the new Kellogg show.

Robert Simon, replacing George Faulkner as head scripter, Faulkner also goes over to the cereal opus.

Contented, Carnation Goes On

Chicago, Dec. 13.

Carnation Milk's 'Contented' program will do another and eighth year on the NBC red web. New contract starts as of Jan. 2.

Stauffer Joins Stuhler, His Sidekick, In Lyons & Lyons Talent Agency

Don Stauffer will quit as head radio executive of Young & Rubicam the latter part of January to join an old associate, William Stuhler, as radio sales managers of the Lyons & Lyons talent agency. Stauffer's assignment will be taken over by Tom Harrington, who has been with Y&R for over seven years, shuttling between the New York and Los Angeles offices.

Reshuffle of executive personnel in the agency moves Hubbell Robinson, Jr., up to boss of all Y&R program production. His authority will extend over the Coast shows as well as those emanating from New York.

Tom Lewis, who was recently transferred out of Hollywood as producer of the Gulf Oil-Screen Actors Guild show, will come back to New York to become manager of the agency's radio department. Joe Stauffer, brother of Don, will replace Harrington as manager of the Hollywood office.

Finishes Chores

Stauffer is staying on with Y&R until the agency's three new shows, Gulf-SAG, Phil-Baker-Hawaiian Pineapple and the Metropolitan Life Hour, have made their debuts. He will then go on a month's vacation, reporting at Lyons & Lyons Mar. 1.

Stuhler and Stauffer have worked as team in radio since 1930 when they met at B. B. D. Q. O. In 1933 they quit that agency to go with Young & Rubicam as co-heads of the agency's radio activities. They parted about a year ago when Stuhler took over radio sales for Lyons & Lyons. Stauffer holds the title of v. p. at Y&R.

Ken Laird to Y. & R.

Chicago, Dec. 13.

J. Kenneth Laird, Weeco Products' advertising v. p., moves over to the Chicago office of Young & Rubicam Jan. 1. His will be an executive assignment.

Laird came to Weeco in 1929. He is vice-chairman of the Association of National Advertisers and rates as one of the top merchandising men in the drug field.

WFIL Folds Own Sales Office; To Free & Peters

Philadelphia, Dec. 13.

WFIL, which a year-and-a-half ago gaged its national representative, and with much fanfare opened its own sales offices in New York and Chicago, shuttered the last of them for good last Saturday (10). Results of maintaining its own offices didn't warrant the expense, it was said, with the closing of the New York headquarters. Chi branch was darkened several months ago.

Jack Stewart, sales manager, who has been reported for several weeks now as on the way out, was in charge of the New York office. After closing it Saturday he left for a vacation in Florida. George Jaspert, local sales manager, is in charge.

Free & Peters is now handling WFIL's national account. Agreement is understood to eliminate commish on biz not directly grabbed by them.

Biffs from Buff

By ROD REED

Buffalo, Dec. 13.

Father Coughlin's private network gets more so with each broadcast.

A facsimile newspaper has been started and doubtless its news is reasonably exact.

Some comedy programs have eliminated the rehearsal before an audience. Those old jokes can't stand much wear and tear.

Last words: Here's a hilarious idea for a skit about smuggling.

Ronald W. Thornburgh, Columbia's headman on the coast, cast for board meeting of National Association of Broadcasters and home office parleys.

Softies

Washington, Dec. 13.

Proof that modern civilization is breeding a bunch of softies is seen in letters received by local NBC officials begging for 7 a. m. symphony orchestra programs in place of snappy setting-up exercises.

Listener survey showed that only 77 of the men were in the mood for calisthenics in the early morning, while 2,814 preferred to wake up with Bach or Brahms.

RADIO GRINS AS MAGAZINES QUARREL

Research and promotion men in radio got a smile last week out of the readership feud which popped up between Life Magazine and Colliers (Crowell Publishing). Latter got wind of the data which Life was putting into a page ad in the N. Y. Times last Wed (7) and arranged to buy a rebuttal ad in the N. Y. Tribune of the same day. The theme of Life's argument was one that Crowell Publishing itself hasn't been loath to use in competing against radio for advertising.

Life's ad was captioned the 'biggest advertising news in 25 years' and offered what it described as a breakdown of the number of people who see, open and read some part of each issue of itself, Colliers, Liberty, and the Statepost. The Life ad showed that while Collier's net circulation was 2,633,378 the calculated readership was 15,900,000. Life contrasts its 2,029,761 with a readership of 17,300,000. Archibald Crossley, Paul T. Cherington, Samuel Gill and Dr. Darrell B. Lucas, N. Y. University associate professor of marketing, were credited as making this readership study for Life.

Collier's ad expressed disagreement with Life's stating and stated that 'despite the flattering total of readership found, we wish to make clear that Collier's had no part, financial and otherwise, in the conduct of this survey.' 'Nothing in our experience,' remarked the ad, 'during the 19 years we have owned Collier's, in any way justifies an assumed Readership of 15,900,000 people per issue. A national survey recently made by our own circulation department among 166,000 people indicated that Collier's might have as many as 7,032,454 readers for every issue.'

Ad went on to assail 'any rating of magazine values by readership estimates' as 'unsound and confusing' and closed with the statement that until some standards better than the Audit Bureau of Circulations are available, Collier's will continue to claim only its net paid ABC circulation.

World Working on Practical Co-Op Plan to Get Chevrolet on the Air

World Broadcasting Co. is making a strong attempt to bring Chevrolet back into the spot field. Plan which it has evolved with Campbell-Ewald's Detroit office would have the manufacturer assume the costs of the transcribed show and time for the first 100 stations and then look to local co-operative deals among dealers to take care of the expenses embracing the use of another 150 or more outlets. Under a government consent decree now in force the auto makers are barred from assessing the dealer for advertising on a per car basis.

Disc spot campaign which Chevrolet conducted for several years was the largest of its kind in the history of the business. In one year the time billings alone came to \$1,750,000.

WINS WORKERS CHIEF FOR STAND VS. BLOW

At a meeting of all WINS employees Monday (12) in New York, E. M. Stoer, head of Hearst Radio interests, which still own the station pending FCC sanction of its sale to Milton Biow, gently chided them for their stand of last week in objecting to Biow's tactics, which they considered were detrimental to their welfare.

They were backed by the American Federation of Radio Artists, International Brotherhood of Electrical Workers and Local 802 of the American Federation of Musicians, who stymied Biow by demanding he stay off the scene under threat of a strike. The demand was granted. Biow ostensibly had been looking into the station's operations.

Stoer explained that Biow had agreed to help the station financially prior to taking over by throwing commercials and sundry biz its way, which was in contrast to the employees' claim that he had come in to institute economies and outline his future policies in regard to complement. Stoer stated that Biow would have nothing to do with WINS' operation prior to FCC approval.

Rosalind Sherman, who conducted the 'In the Spotlight' program on WINS, has shifted to WNEW, where she starts airing the same idea Monday (19).

All Program Work At WOR Via Abramson To Fix Security Law

After Jan. 1 every one engaged for program work or for outside bookings with station WOR, New York, must clear through the station's artist bureau. Station will at that time commence deducting 1% from all salaries and add other one percent from its own purses as required by Social Security law. Although no official word has come through from Washington where officials are currently weighing radio's position in insurance matter, WOR wants to protect itself as far as possible. If ruling is unfavorable, WOR is retroactive and would entail headaches which could be avoided by insuring money in escrow.

There is some doubt as to whether or not this will mean that stations will also start taking a commission on every item clearing. Nat Abramson, head of WOR bureau, states that it will only mean that his department will become clearing house so that a record of every cash transaction can be kept. It will not mean that all must pay the bureau a commission. It has never been WOR's policy to collect on special event engagements, etc., and that present system will not be altered, he states.

Cook's to Pacific

'Man From Cook's' program, backed by Cook Tours, resumes on NBC this Sunday (18) after seasonal layoff. Program has expanded, now embracing Coast to Coast scope over 19 strategic stations.

Malcolm, who continues with travels with Lew White at organ, backgrounding. It's seventh year for both; 15 years for the show.

World Working on Practical Co-Op Plan to Get Chevrolet on the Air

McGillivra Reps KQW, KJBS

KQW, San Jose, will be represented out of the Joseph H. McGillivra office starting Jan. 2. Another newcomer to McGillivra's list is KJBS, San Francisco, likewise owned by the Ralph Brunton-C. L. McCarthy interests.

Both outlets were previously represented by John Blair & Co.

'The Shadow' Extended

Mutual's 'The Shadow' program cast its coverage further this week with addition of two more commercials on network participating program. Kease Baking Co., Cleveland, was added along with American Fuel Co., Denver.

On WHK and KFEL, respectively.

Forcible Interviewing

Cleveland, Dec. 13.

Sidney Andorn tried for a week to line up Orson Welles for a WGAR interview during actor's lecture appearance at Seyerance Hall Sunday (11), but latter said he wouldn't have time for it.

Producer-star flew in a few minutes before his p. a. Ended his lecture with only 25 minutes to catch a train back for New York, but station's gossip commentator was determined to get Welles on the air or die. Borrowing WGAR's mobile radio truck, Andorn parked it in front of concert hall with motor running. When Welles came out he was yanked into the truck which began speeding for depot, as its short-wave set was tuned up.

'Man From Mars' seemed a flat blabbergasted at first but took mike shoved into his face and answered all questions shot at him. Stuttered a couple of times when radio truck doing 55 m.p.h. nearly sideswiped autos, but Andorn got a 10-minute relay to WGAR, and Welles got to the train with several minutes to spare.

McKesson & Robbins Receivership Reacts On Spot Radio Business

Spot broadcasting has already felt the effects of the McKesson & Robbins receivership. Erwin, Wascey & Co., agency for the Aurora Laboratories, last Friday (9) cancelled a campaign on the latter firm's Clear Again-Cold Tablets, which was set to start soon on the westcoast. Manner of McK. & R.'s bankruptcy and handling of the old drug company's assets are under investigation by the New York municipal, state and federal authorities.

McKesson & Robbins was the Pacific Coast distributor for Aurora Laboratories. Campaign called for two quarter hours a week for 13 weeks, with the purpose of opening a new market for the tablets.

It is reported that Wascey Products, which is controlled by Louis R. Wascey, has \$500,000 worth of products tied up in the McKesson & Robbins financial tangle.

WCLO TO PICK UP WLS, CHI PROGRAMS

Janesville, Wis., Dec. 13.

Newly appointed general manager of WCLO here, R. L. Ferguson has arranged to tie up with WLS, Chicago, for the broadcast of WLS sustaining non-network shows. To make the most of this affiliation Ferguson is changing the broadcast schedules of WCLO, opening the station at 5:30 instead of the previous start at 7 a. m.

Programs from WLS will be taken off the air by receivers and rebroadcast instantaneously over the WCLO transmitters. Early morning shows will use the WLS programs primarily for the rural territories around here, while later in the day WCLO will produce its own shows for the city dwellers.

Beimont Radio Seeks S.E.C. OK to Sell Stock

Washington, Dec. 13.

New set-manufacturer, Beimont Radio Co. of Chicago, last week sought Federal permission to register 300,000 issued shares of \$1 par stock on the Chicago stock exchange. Documents submitted to the Securities & Exchange Commission revealed the company, which is licensed to use the Hazeltine and Latour patents in turning out home and automobile receivers, had sales in 1937 which yielded \$3,753,500. Control rests in the management, with Parnell S. Billings, prez, holding 45,000 shares; Harold C. Mattis, v.p. and treasurer, 45,050; and John Robertson, secretary, 42,750. Only other important owner was Sigmund Freshman, not identified as connected with the management, with 31,500 shares. Sales figures were: Billings, \$24,000; Mattis, \$24,000; and Robertson, \$10,000.

Lasky's Air Booner

Hollywood, Dec. 13.

Phil Friedman has been engaged by Jesse Lasky to supervise the talent search on his 'Gateway to Hollywood' program for Wrigley. He was notable executive aide to Sam Briskin at RKO.

Charles Vanda produces the double mint show, which kicks off Jan. 8 over the Columbia network.

Vanda produced the first Columbia Workshop opus from Hollywood, his last official act as CBS program director on the Coast before switching to Wrigley.

NEW WLW MOVE GUARDS POWER

Washington, Dec. 13.

Further legal sparring in the campaign of Crosley Radio Corp. to retain right to experiment with 500 kw last week threatened to increase delay in reaching a final decision in the important case which has been pending for several months. Novel move by Duke M. Patrick, counsel for the Cincinnati behemoth involved request for postponement of oral argument on the adverse committee report, due Thursday (15).

In taking additional pokes at the trial panel, Patrick petitioned the Commission to make proposed findings of fact and conclusions of law so he will have a visible and definite target when the argument takes place. Maneuver was unusual and anticipates the changed procedure which follows abolition of the examining division.

Declaring a second time that Commissioners Norman S. Case, T.A.M. Craven, and George Henry Payne disregarded much pertinent evidence, Patrick noted the report was presented by less than a quorum of the FCC and is not in any way a reflection of the prospective settlement of the case by a majority of the entire commission. While the committee presented a case extended but none-the-less incomplete narrative recital of the testimony, it concluded the report 'with an indiscriminate commingling of arguments; speculations, statements of fact, narrative recital of testimony and conclusions of law.' Crosley counsel averred. After careful scrutiny, he is unable to find specific and proper findings upon any of the issues submitted for trial and cannot decide which points the committee believed were 'affirmatively established by the evidence.'

Because the Commission counsel takes no part in oral arguments, petitions are sometimes called to shoot in the dark in such situations, Patrick contended. No claim to the position of the Commission, so he is greatly handicapped in trying to put over reasons why the report should be over-turned. In view of the scope of the record, the Commission should adopt proposed findings which would give him concrete topics for argument, he pleaded.

Not Fair?

In backing up his request for unusual procedure, Patrick called the Commission's attention to a batch of court opinions which impose a duty to make detailed and specific findings in quasi-judicial activities. Applicants ought not to be compelled to prepare for 'possible or imaginary charges,' while regulatory bodies cannot base decisions upon arbitrary and extra-legal considerations, he insisted.

Obligation to make proper findings is even more important in circumstances where further proceedings are probable, the attorney declared. Consequently the report should conform to the evidence and the conclusions should be clear and free from any ambiguity. Inherent in the right to a hearing is the idea that parties are entitled to a reasonable opportunity to know the claims of the opposing party and to meet them.

Washington, Dec. 13.

Effort of Crosley Radio Corp. to acquire a target in the fighting over the 500 kw permit of WLW, Cincinnati, came to naught Monday (12) when the FCC denied a petition requesting adoption of novel procedure in further battling over super-power. No reasons given why the motion was denied.

Last-Minute Ruling Cramps Liquor Show

Pittsburgh, Dec. 13. Launching his Mon.-Wed.-Fri. gossip quarter-hour for Iron City Brewing Co. over WJAS last week, Karl Krug, critic and columnist for Hearst Sun-Telegraph, and his sponsor were informed by Pennsylvania State Liquor Control board that the name of no nite spot or restaurant with a booze license could be mentioned on show.

Program was first projected more than two months ago, idea being to tie in names of niteries specializing in Iron City beer, but Board refused a clearance and efforts have been made since then to get concessions. However, to no avail, and last-minute hope of getting names of cafes in as regular part of Krug's gossip section, without any hint that they were Iron City dealers, faded at last moment.

As result, Krug's first show was entirely free of plugs, except for theatres, with performers getting attention but not the niteries where they're spotted. State liquor board has ruled that there are to be no exceptions, and Krug can't even "glimpse" a celebrity in a place where spiritus frumenti is peddled.

Part of the broadcast is devoted to brief interviews with guest stars, and Krug is already running into difficulties on that score also, with several biggies of stage and screen making conscientious objections to appearing on show sponsored by brewery.

Col. Stoop 'Consultant' On Comedy

Colonel Stoopnagle (F. Chase Taylor) has taken a writing assignment for J. Walter Thompson. It's a four-week deal to stock material and also serve as comedy consultant for the Kellogg show, which debuts on NBC Jan. 15. Stoopnagle's new role is said to expire with the opening of the series, unless the agency meanwhile extends the arrangement.

While on the Coast Stoopnagle will make a guest appearance each on the Rudy Vallee-Standard Brands and Kraft Music Hall stanzas.

Arrangement which the Thompson agency contemplated originally for the Kellogg show was to have Carole Lombard, Cary Grant and Ronald Coleman alternating as emcees, Lawrence Tibbett and Deanna Durbin do the same in the vocal assignment, and Groucho Marx serve as the permanent comic.

VICTOR YOUNG TO MCA IF R-O-K WILL OKAY

Musica Corp. of America is trying to straighten out the contract tangle between Victor Young and Rockwell-O'Keefe, Inc. MCA's move so far has been a query about the possibility of R-O-K accepting a cash settlement.

Young is alleged to have walked out of his representation agreement with Rockwell-O'Keefe last summer after he had been asked to take a four-week cut on the Al Jolson-Lever Bros. show. Young, who is still in Hollywood, wants to ally himself with the MCA office.

Schillin Joins WAAT

A. B. Schillin has been appointed vice-president in charge of sales for the Bremer Broadcasting Corp., which operates Station WAAT, Jersey City. Schillin recently resigned as sales manager at WINS, N. Y.

Before going to WINS, Schillin was president of the Schillin Advertising Corp., and before that was partner in the Bee-Schillin agency, New York. Paul H. LaSavo, president of the Bremer Corp., made the appointment.

Rest—With Advertising

Philadelphia, Dec. 13. WDAS is installing additional chairs and benches in its reception room and has announced it will be thrown open for the rest and convenience of Christmas shoppers. Meantime a monitor will be installed on which the bargains and gift suggestions of various sponsors on the outlet will be read to the present-seekers.

Foot Health Institute, one of the sponsors, has also volunteered to install an automatic foot-massaging machine for weary gams, but idea was nixed by Pat Stanton, g.m., for fear of complications.

FORD RUSH AND SON OFF WHEATENA ACCT.

Philadelphia, Dec. 13. 'Dad and Junior' show, pumped from WFIL to the Mutual web for Wheatena scrams tomorrow (Wednesday) with completion of 13-week contract. Program was put on by Ford Rush and his son. Rush was the originator of the 'National Barn Dance' on WLW.

Dorothy Gordon picks up the Wheatena time from WOR with kids' songs and poems. Rorabaugh & Gibson, Philly, is the agency.

ROBERSON BAR ASS'N HEAD Hennessey, Segal, Bingham, Littlepage Also Elected As Officers

Washington, Dec. 13. Another former member of the FCC legal staff heads the Federal Communications Bar Association for the coming year. Annual meeting saw Frank Roberson, protege of Commissioner Eugene O. Sykes, elected president succeeding Duke M. Patrick, attorney for Crowley.

Since quitting the Commish a couple of years back, Roberson has been associated with former Senator Hubert Stephens of Mississippi and Paul D. P. Spearman, twice general counsel of the Federal regulators. Used to be in the telephone branch of the law department and now handles this type of business.

Other elections were: P. J. Hennessey, local representative of NBC, first vice-president; Paul M. Segal, second vice-president; Herbert M. Bingham, secretary; and John M. Littlepage, treasurer.

Tom Ruane Shortwave Director for WCAU, Philly

Philadelphia, Dec. 13. Tom Ruane, former promotion director of WCAU, has been named director of international short wave programs for W3XAU by Dr. Leon Levy, prez of the outlets. He will work in co-operation with Elizabeth Tucker, program directress of W2XZ, CBS international short wave in New York. The outlets together will be able to cover practically all of Latin-America and Europe.

Two directional antennae are now being constructed for W3XAM, which will beam the transmission of the outlet to Buenos Aires and London.

YOUNGMAN-MARGOLIES' TRY

Henry Youngman and Charles Margolies, radio trumpeter and maestro, got together Monday to record a trial program for peddling to advertising agencies.

Garnett Marks the voice of advertising.

SENATOR WHEELER WARNS LAWYERS; SAYS AIR IS OVER-COMMERIALIZED

GRIFFITHS' SPECIALTY

Man and Wife Have Worked for Three World's Fairs

San Francisco, Dec. 13.

Series of thrice-weekly buildups for the 1939 Golden Gate International Exposition is being aired over KJBS by Homer Griffiths, former 'philosopher' on the WLW, Cincinnati, staff, and his wife, under the title of 'Your Guides to Treasure Island—Jim and Jerry.' Pair did similar programs for both the Chicago and the Dallas expos.

In the roles of husband and wife, they discuss fair sights and ring in frequent guest interviews.

Popsicle Sets 'Buck Rogers' For 80 Stations

Popsicle Corp. has dusted off 'Buck Rogers in the 25th Century' for a spot campaign, which will take in 80 stations. It will be three-quarter hour discs a week, with some of the contracts starting in April and others in May. Milton Biow, which has the account, will have its staff men, Jack Johnstone, produce the shows.

'Buck Rogers' as a radio event has been on the shelf since 1936. Cream of Wheat was its last backer.

Biow agency is also working on a spot campaign for Tootsie Rolls.

KINGSLEY HORTON SALES MGR. OF WEEI

Kingsley Horton has been transferred from the sales staff of Radio Sales, Inc., to WEEI, Boston, where he will fill the newly created post of sales manager. Horton came from WFBL, Syracuse, four years ago.

Frank R. McDonnell is replacing Horton in Radio Sales, which like WEEI, is a CBS operation.

Colgate on CKAC

Montreal, Dec. 13.

Colgate-Palmolive-Peet has signed for its first French language program in Canada. Scheduled to go over station CKAC with British United Press newscast in French by Louis Morisset.

Morisset stanza has been aired on for several months as a sustainer for CKAC and has drawn considerable attention locally because of condemnation of Nazi terrorism in Germany.

Program goes commercial Jan. 2, six times weekly for 15-minute periods.

Harold C. Burke, WBAL, Baltimore manager, to Bermuda for vacation. Taking family along.

Montana Solon in Pointed Remonstrances to Bar Ass'n Banquet—Radio Moulds Public Opinion Too Easily

Washington, Dec. 13.

Alarm clock for broadcasting went off with an ominous din Saturday (10). Unless stations put the handcuffs on sponsors and ballyhoo-writers, Congress will crack down. If the industry insists on lifting the power lid, government operation is a likely result.

Warnings came from Senator Burton K. Wheeler of Montana, the chairman of the Senate Interstate Commerce Committee and sponsor of a resolution by which the Senate last June went on record against 500 kw operation. As the chief speller at the annual dinner of the Federal Communications Bar Association, the hard-hitting foe of special privilege solemnly cautioned station owners to realize their public interest obligations and hinted unmistakably that steps will be taken if they fail to live up to them.

Radio's favor-seekers were told their job includes policing the industry. When chiding the barristers about their own antics, Wheeler declared that clients must be kept in line. Lawyers are bound to impose restraints, since they are—in effect—officers of the court.

Some of the Senator's bricks also hit the FCC. While he disclaimed any desire to hang up scalpels, the Montana law-maker hinted he will use his efforts this winter to bring about a Congressional inquiry of radio in which the Commish will be on the defensive. Recalled that investigation resolutions have been offered recently in both wings of Congress and observed he has heard complaints the Commish 'has not always discharged its duties in an efficient and orderly manner.' Among the charges, he said, are accusations that the FCC is a political 'football' for 'unscrupulous politicians' and unidentified 'special interests' who have 'dictated or influenced the Commission in the performance of its duties.' Regulatory body should consist of men who 'are nonpartisan . . . possessed of a judicial temperament . . . studios . . . and fearlessly devoted to the public service.'

Alarm over possible misuse of radio was the theme of the Senator's talk. He feared that the industry will vitiate the Constitutional guaranty of free speech, that licensees will forget they are entrusted with use of an invaluable natural resource, that super-power might become a deadly weapon in the hands of a dictator or a class autocracy, that lust for revenue will lead to excessive commercialization, and that operators will become arrogant.

Investigation of both the industry and its regulator is highly desirable, the law-maker opined. Because the industry has grown up so fast and 'additional legislation may be necessary.' A fact-finding, not a muck-raking, inquiry would be in order, in his estimation.

Moulds' Public Opinion

The obligation on station and network managers is tremendous, because radio has the ability to mould public opinion' and licensees enjoy 'temporary control of this commanding instrumentality.' Allowed the right to use a national resource, broadcasters must appreciate—and

lawyers must see that they do appreciate—that the airwaves are 'inalienably reserved to the people,' the solon uttimated.

Enactment of legislation which will put fences around radio was suggested by Wheeler. Radio is not the 'fifth estate' and does not enjoy the same freedom as the press. Too much advertising is permitted. Both sides in any controversy deserve an equal opportunity to use the microphone. Local stations must not be undermined by gigantic competitors. Or else Congress will take a hand in the situation.

'The significance of radio as a factor in the lives of every person and in the economic, political, and social development of the United States cannot yet be appraised,' the Montanan said. 'It can be a tremendous force for good, but it likewise can be a very dangerous agency. The public and their elected representatives must zealously guard against the abuse or improper utilization of radio. Abuse in radio may come from within the industry itself or from over or under regulation by government licensing agencies.'

Against Super-Power

There was no doubt that Senator Wheeler is opposed to super-power and that he feels clear-channel stations must be closely supervised. While remote listeners are entitled to service from stations protected from interference, local outlets also should be safeguarded. Home-town outlets 'have become civic institutions' and the United States 'must not become a nation with but a few lines of thought emanating from large centers of population.' Difference in tastes and personalities is a compelling reason, in Wheeler's view, 'for having a multiplicity of transmitters.'

In discussing the duty of licensees, the law-maker denied that enforcement of the 'public interest, convenience, and necessity' principle constitutes censorship, but also said stations which 'fall down on the job should be executed.' 'Revocation should follow any failure to carry out this responsibility. In this discussion he disagreed with the FCC view that each station is liable for what radiates from its antenna, because 'responsibility must be placed where responsibility lies—where errors can be corrected—that is, at the source of the program origination.'

Over-commercialization of radio is not merely abuse of trust, it is bad business, Wheeler asserted. Convinced there is 'too much ballyhoo on sponsored programs, he advised that 'limited advertising' has the strongest pull besides being preferable from the listener viewpoint.

Government propaganda also drew criticism. Verbal deluges by federal officials constitute 'a disservice to the people' and are 'unnecessary . . . wasteful . . . palpably wrong.'

The danger of concentrated ownership was stressed, although Wheeler admitted the duty of solving the problem does not rest solely on the industry. He remarked that 'less than 5% of the 700 stations in this country made half the profits in the industry during 1937,' but added that both the regulators and the operators must wrestle with the matter of 'providing the financial wherewithal to keep the smallies alive.'

Incur Grim Looks

WOR-Mutual incurred disfavor of big business last Saturday night (10) following Mutual's Anthony Eden broadcast from the Waldorf-Astoria hotel.

Dave Driscoll, Frank Knight and Al Josephy arrived late and parked their lightweight car behind super models under the hotel in garage. Left radio on during absence and found battery dead with their car blocking exit of all bigwigs for stretch.

Tom Wright with Coast Young & Rubicam publicly.

VARIETY

Third of a Century Anniversary Issue

To Be Published Late In December

Send Reservations Immediately To Any Variety Office

NEW YORK LOS ANGELES CHICAGO LONDON
154 West 46th St. 1708 No. Vine St. 54 W. Randolph St. 8 St. Martin's Pl.

DOUBLE-CHECK FIELD TESTS

Another Week of Hearings Drags By

Lent, Jolliffe, Hedges, Merryman on Stand—Duplication and Station Relations Brought Up

Washington, Dec. 13. Program duplication fears result from a bogey, Federal Communications Commission monopoly hunters heard last week, while networks are the big brothers of independent stations. Sleepy Hollow atmosphere continued through the fourth week of the slow-moving hearings with NBC officials still parading.

Some measure of duplication is imperative if listeners are to receive adequate service under the existing economic conditions. W. C. Lent, web allocation engineer, asserted. Similar sentiment from Dr. C. B. Jolliffe, chief engineer of RCA and former technical wizard for the government body.

First evidence about station relations was put in the record during direct examination of William S. Hedges, another of the network vice-presidents, who sketched the history of transactions involving both stations and commercial programs. He was only partly finished when the Commish committee knocked off for the weekend and resumed today (Tuesday).

Because of the unreliability of signals in many areas and the financial inability of many communities to support their own transmitters, overlapping of programs is inevitable, the web experts declared. Considering the effects of fading, interference, noise, and other phenomena, there is no serious duplication problem.

Duplication

Idea of the amount of duplication was given by voluminous tables which embodied results of field observation and theoretical calculations which chain witnesses said were more ideal than realistic. Area served by the Red network includes a daytime population of 87,740,627 while the maximum potential audience in the Blue territory is 85,549,733. Roughly the number of listeners who can pick up identical broadcasts from more than one transmitter is only about one-third of the total. Night-time audience in the primary service area naturally is materially less.

Although duplication occurs in the night-time secondary area, this is not evidence that facilities are being wasted, the Commish heard. Unreliability of reception in the parts of the country dependent upon sky-wave transmission makes it important to give dial-twisters a choice of stations.

The detailed picture of the duplication situation included estimates that 56,651,134 of the persons living with the .5 millivolt contour of Red outlets cannot pick up more than one station. Parenthetically, web experts remarked that this estimate is probably too high since it assumed a degree of service which would not be acceptable in thickly-settled communities under Commish efficiency standards. Listeners theoretically able to catch more than one Red station during the day total 31,048,493.

If satisfactory reception is considered, the total prospective Blue audience is only 76,693,409, Lent asserted. Of this total, 55,666,328 would have to rely on service from a single transmitter with only 11,027,081 able to get broadcasts from more than one station. In the primary service area at night, the audience includes 58,641,753 with one signal and 3,972,853 who can exercise the power of selection.

Blue Network

Blue network figures are 54,666,466 listeners in the unduplicated daytime areas and 30,883,268 in the territory where transmitters overlap. Modified totals, on a basis of serviceable reception, are 58,595,861 unduplicated and 12,578,930 duplicated.

Difficulty in measuring duplication was stressed by chain spokesmen. Constant changes in hook-ups makes it impossible to state concretely how many persons have a choice of stations, while steady changing transmission conditions likewise cannot be evaluated exactly. The figures pre-

sume a fictitious standard of service and are based on abstractions which seldom occur, Lent interpolated.

Because of practical conditions, 'something more than two and less than 10 signals' are required to give anything like 90% reliable service to the listening public, in Lent's estimation. Even this would require listeners to sit alertly before their receivers ready to tune on a second's notice when interference or fading took place. The amount of possible duplication of NBC programs depends on whether WLW, with its 500 kw roar, is used or whether the Cincinnati outlet is WCAI, technician emphasized. All figures showed somewhat smaller potential audience when WLW is used as a web outlet.

Actual experience shows the theoretical duplication does not exist, Lent declared. Field tests which took into account serviceable reception reveal there often are times when listeners who should be able to pick up broadcasts from more than one transmitter are forced to be satisfied with poor reception from only a single outlet. Summed up the comprehensive notes taken at several listening posts with explanation that 'duplication of primary service at night is negligible; duplication in day time, because of the variation in the programs carried by the different stations also is negligible; and at night, because of the nature of secondary service, any duplication is fictitious as it depends upon conditions which vary from minute to minute.'

Jolliffe on Stand

Testimony about the history of frequency distribution and technical requirements was provided by Dr. Jolliffe, who left the FCC three years ago to become chief of RCA's frequency bureau. Proposed standards, based on studies made under his supervision, represent merely a 'statistical average' of the strength needed for satisfactory service under conditions then existing, he remarked, adding that in England the standards of satisfactory service exceed those here on account of atmospheric, geographical, and other physical conditions.

Best way of increasing dependable service to listeners in thinly-settled sections, Jolliffe declared, is increase in number of outlets or more juice. For daytime service, additional plants are necessary while nighttime secondary service area can be widened with power boosts. The more signals pumped into a secondary area, the better the prospect of finding a station which renders suitable service, he observed. Rearrangement of stations to cover the blank spots is theoretically possible, he said, but practically impossible because of the need for revenues which will make the enterprises profitable.

Ultra-high frequency operation may provide the answer to overcrowding in the regular band and the deficiency of service in some spots, Dr. Jolliffe suggested. By using short waves, more local and, under proper conditions, regions outside can be created, relieving the pressure for assignments between 550 and 1600 kc and allowing more clear-channel plants which would cover the remote audience. Higher power is the most feasible way, however, of improving service to the rural areas.

Lengthy account of the development of network policies toward affiliates was drawn out of Hedges, who followed Philip K. Merryman, former engineer and now a stations relations department exec, on the stand. Merryman gave merely technical groundwork for Hedges' testimony.

Maxwell To Los Angeles

Montreal, Dec. 13. M. Maxwell, vice president of Associated Broadcasting, is on way to Los Angeles.

To confer with recorders for purpose of bringing more American transcriptions into Canada.

'LOUD GIBBERISH' NOW RECOGNIZED

Engineer, Once the Last Word in All Matters Before FCC, Now Cross-Checked by Listener Facts—Broadens Realistic Concepts on Program Duplication

WMAQ CASE

Washington, Dec. 13. Fallibility of slide-rule formulae showing who can hear broadcasting stations has been strongly suggested during the FCC chain-monopoly inquiry. Change of pace is indicated, with testimony based on actual experience far outweighing the abstractions of technical experts.

Actual listener habits—formerly of interest only from the station salesmanship point of view—are becoming vital in policy-making. Questions from members of the four-man FCC committee and the Commish attorneys reflect an attitude which contrasts strongly with the 1936 hearings and even the allocation sessions this past summer.

Circles on Maps

Both the licensees and the regulators presently seem disposed to check empirical data against field observations. Circles on maps showing the service area of a transmitter have been demonstrated as representing only what could happen (theoretically), under ideal conditions (which seldom exist). This was obvious last week when W. C. Lent, allocation engineer for NBC, was talking about program duplication and the airwave cops had the benefit of listening to some actual recordings made in places where—according to the slide rules—good reception should occur.

New approach to the service problem is from the angle of usability. Intensity still is regarded as the chief yard-stick, but the evidence submitted by NBC has shown plainly that a loud signal is not necessarily intelligible. Point has been made that gibberish in substantial volume doesn't satisfy the listeners. Also that dial-twisters tune to stations which, according to the engineers and the maps—they can't even hear.

In providing evidence about duplication, as called for in the FCC order, the experts marshalled by NBC to parade through the witness chair first began talking about technical data. Within a short time, they were being quizzed about what really happens. Web spokesmen quickly made it obvious there is no correlation between the curves and graphs on one hand, and the ease with which a station is picked up or the satisfaction registered by the auditors.

Presentation of coverage maps representing the (supposed) circulation of WMAQ, Chicago, illustrated the changed psychology. The exhibits, according to NBC witnesses, reflected mail response as shown by analysis of several hundred thousand dial-twisters. The potential night audience was charted on a basis of 113,000 communications; the day market on 337,000.

Science vs. Dialers

While the hearing has not shown any sensational conflict between the theoreticians and the station operators, observers have been impressed with the fact that regulation of radio must take into account actualities. Pen-and-paper calculations are not necessarily a true explanation of what happens. Commish members seem to suspect this, even though great weight still is placed on the conclusions of adventurers into the realm of pure science.

Weakness behind the enthralling yardstick was spotlighted by Dr. C. B. Jolliffe, formerly the FCC's chief engineer and now wizard for RCA. In explaining that the standards now in use were based on surveys

More Detailed Program Code, But No Straightjacket, N.A.B. Attitude

Kids Friendly, Anyway

Washington, Dec. 13. Christmas greetings from moppets of all nationalities to a world-wide audience will be air-waved Tuesday (20) for the seventh consecutive year—when NBC repeats its annual International Children's program featuring sons and daughters of Washington diplomats.

Despite a growing distrust between European nations, youngsters of all countries have signified their willingness to appear together on the program—each sending Christmas wishes to the 'children of other nations in his own native tongue and following it up with a message in English.

Affair, which has become one of the most colorful kid-society affairs in the Capital, will be jointly sponsored by the Greater National Capitol Committee of the Washington Board of Trade and NBC. Never fails to draw a large audience of proud fathers, mothers and governesses—plus onlookers who come to oh-and-ah at the handsome, pampered, junior diplomats in their best native costumes.

and studies carried out under his direction years ago, Jolliffe conceded that there is insufficient data upon which to build any reliable technical conclusions. Observations in the middle of the sun-spot cycle are worth while as a yardstick only when the world is in the middle of the cycle, he implied.

The question of service, however, is not susceptible of a positive answer, the hearings have shown. What one listener considers a decent signal may—under different conditions or in another spot—be decidedly bad. Human factor cannot be reduced to algebraic symbols, as Lent confessed while expounding on tests made at several widely-separated locations. Mail response likewise is not entirely dependable, as evidenced by comparison of the WMAQ chart with what the engineers insist the Chicago transmitter ought to accomplish.

Difference between theory and reality is most noticeable in analyzing secondary (night) service. Observations laid before the Commish by NBC experts showed that reception was possible—even though unsatisfactory—in spots where the maps show signals cannot be picked up. Converse also is true.

In checking the service area of any station, there are too many variables to permit formulation of an unassailable allocation theory, the NBC data has shown. Constant observations and recordings throughout the (again supposed) 11-year sun-spot cycle are necessary before engineers and operators can agree upon any principle.

Whether the Commish will stop making the slide-rule results their chief guide is one of the questions that will not be answered until the chain-monopoly quiz has ended and the papers are handed in. As the hearings continue, however, it is increasingly apparent the regulators are inclining toward the view that ear-witness testimony cannot be wholly disregarded.

Jordan Joins Morris

Wallace Jordan, formerly of McKnight & Jordan, New York indie radio producers, joins the William Morris office to head newly created radio department of agency's Chicago office. He'll leave for Chi around Jan. 1.

New York office will also meet this week to select a head for the newly formed orchestra department in the Chi branch.

Washington, Dec. 13.

Revision of present code of ethics and adoption of public interest yardsticks was in higher favor than promulgation of rigid program standards at N. A. B. directorate meeting this week. Tackling numerous unsolved problems, governors grappled with disposal of transcription library, labor relations and commish troubles after getting detailed reports from staff members. No important action during session lasting several hours Monday.

Creation of a standing committee to rewrite the ethical platform appears likely, although several prominent figures were against trying to put stations in straightjacket in order to overcome ex post facto censorship and license denial threats on the part of the FCC. Scheme outlined by special committee comprising webs and Indies calls for interpretations of existing commandments so membership will have some means of determining conduct.

Can't Agree

Attempt to bolster the code with specific provisions regarding individual programs and practices looks doomed. Too many disagreements on taste, phraseology, etc., plus difficulty of enforcement. Impracticability of trying to police members while non-members have complete freedom was pointed out in advance discussions. Need for initiative and room for ingenuity emphasized.

Ban on hard liquor advertising was voted Tuesday. Unanimous agreement that hard liquor accounts are not in the public interest came after Board has directed Neville Miller to name program standards committee. Resolution said, 'it is the sense of the NAB Board of Directors that American broadcasting stations should not carry advertising for distilled spirits commonly called hard liquor. Declaration comes at time when Federal authorities are paying renewed attention to wider enforcement of legislative prohibition on grog propaganda and is designed to head off discriminatory regulation which leaders have denounced as censorship. Several bills of this character were pigeon-holed at last Congressional session despite strong backing of Federal Alcohol Administration.

Washington, Dec. 13.

Latest flash on the disposal of music library:

Board of directors tentatively accepted Brinkerhoff. But no details are set. Understood that it involves return of \$50,000 sunk in venture, partly in cash, and partly by royalties from further sale.

Way Cleared for KCMO, Kansas City, Power Hike

Kansas City, Dec. 13.

Station KCMO last week got underway on its job of building new transmitter and equipment for its new 1,000 watt power allotment. When construction is completed station shifts from 100 watts and 1370 kilocycles to 1,000 watts, day and night, and 1450 on the dial.

Permit was issued by the FCC Sept. 16 but work has been held up under a petition to the FCC entered by L. T. Corvill and Son, of Lincoln, protesting the decision of the Commission. Lincoln merchants had also applied for the wattage and dial spot, but last week withdrew their action paving the way for KCMO to proceed.

Larry Sherwood, station manager, estimates construction work will cost in excess of \$35,000. New transmitter is expected to be located in a Northeast residential section, while the present 100-watt is atop the Commerce Trust building in the loop.

Petition by KCMO was entered to the FCC more than two years ago. New transmitter is expected to be in operation within three or four months.

Bette Davis and her protegee, 15-year-old Pamela Cavaness, doing 'Broken Prelude' in two parts on Silver Theatre.

MARGARET SULLAVAN-ORSON WELLES
 With Mildred Matwick, Ray Collins, Daphne du Maurier, Agnes Moorehead, Bernard Hermann's Music, Edward C. Hill
'Rebecca' (Drama)
CAMPBELL SOUP
 Friday, 9-10 p.m.
 WABC-CBS, New York
 (Ward Wheelock)

New Campbell Playhouse series replacing 'Hollywood Hotel' over CBS (and the Canadian Broadcasting Co. stations) coast-to-coast, teed off auspiciously with Margaret Sullivan as guest of Orson Welles, impresario of the new Campbell Playhouse show. Utilizing 'Rebecca,' Daphne du Maurier's best-seller, and with the authoress short-waving from London in a brief telephonic afterpiece, program had earmarks of consummate showmanship.

Gripping dramaturgy is to the credit of Orson Welles, who is the permanent producer, author and co-star. He will be solely responsible for the tabloidizations of the scripts used; those to follow being dominantly mime versions of plays and best selling novels.

Edwin C. Hill introduced the new series with a brief biog of Welles, calling him 'the white horse of the American theatre.' Welles' Mercury Theatre got the proper emphasis and even the 'Mars' broadcast was capitalized as a point in favor of the impresario's dominant desire for super-realism. The buildup, however, was a bit fulsome.

Welles' own spiel was something of a radio milestone in that (1) he insisted that the radio's 'average mentality is not eight years old' but that he seeks to appeal to the same 'adult citizenry' that patronizes motion pictures, buys best-sellers; and (2) in that Welles insists the Campbell Playhouse is not a theatre, but a radio studio—there is no curtain, but all is done in radio technique, with no footlight make-believe.

In 'Rebecca' Margaret Sullivan handsomely carried off a highly difficult assignment as she autobiographically paces the proceedings, which in turn, become a series of episodic flashbacks. Hill called 'Rebecca' the Scarlett O'Hara role of 1938, and also mentioned the fact Dave Selznick already owned the picture rights. He also put in a plug for the book as a suitable Xmas gift and a novel you should read. Considerations to authoress Daphne du Maurier. Full hour's show should hypo book sales.

Saga of the second Mrs. deWinter; the tragedy in Max deWinter's past life at Manderley, the 'dream estate'

JULIUS MATTFELD
 Organist
 30 Mins
 Sustaining
 Sunday, 9 a.m.
 WABC-CBS, New York

Dr. Mattfeld best known as an author of musical works and director of the CBS music library. In this stanza he reverts to an earlier occupation as concert organist. Results are good, and would, in fact, be excellent if CBS had provided him with an organ worth playing. Instrument currently at his disposal, coupled with work of the engineer, produces too few overtones or harmonics, while the volume variations are not handled correctly.

Selections played (11) were from Zipoli, Liszt, Hess, and McMaster, representing strictly organ music, and no transcriptions from piano works etc. Mattfeld's manual work is brilliant and assured. What his pedal passages signify could not be heard through the faulty volume control. Too bad that a fine program is thus marred.

Larry Elliott's announcing is clear and adequate. Edga.

In England; the sinister Mr. Danvers, the housekeeper, and all the rest made for a gripping radio hour.

Miss Sullivan was superb throughout. So was Welles' brittle character, sometimes uncertain, because of the mixed-up elements in his role.

Commercial plugs interrupt the action. Pretty much an intrusion on the tender romance, particularly at that first break. To the credit of the radio dramatization it should be mentioned that the two or three climaxes are so pitched that it's a natural break, and renewal of interest was quite easy.

Corking musical setting botoned by Bernard Hermann. Supporting cast is topnotch. Hill's 'human side of business' plug is all right, dovetailing into his now established 'human side of the news' style, and Ernest Temple for the straight-plug stuff is likewise good mike showmanship.

By two-way phone from London, Daphne du Maurier, author of 'Rebecca,' engaged in the exchange of the usual amenities. She was in London; she gave a very rough idea of where you may find Manderley. If you come to England, and waxed quizzical in identifying the first-person role of the commentator in the book.

Campbell Soup has a strong contender for tonight listening audiences with this new series. Abel.

Follow-Up Comment

Leslie Howard did 'The Scarlet Pimpernel' for Lux Monday (12) and made the story stand up as radio entertainment, thanks to a careful scripting job and considerable attention to details of characterization. Olivia de Havilland played his wife, and Dennis Green was an evil French ambassador of the revolutionaries.

During intermission a Madame Grany (spelling not guaranteed) revealed that Lux soap was 'in solid at Buckingham Palace. This lady, an ex-dresser of Queen Mary, was presumably authentic and at any rate enormously plausible for the Lux trade. A shrewd bit of hokum for the show.

Announcer on this show is pretty hard to tell from Cecil B. DeMille.

Lenox R. Lehr, in a 30-minute address on the many phases of radio delivered at the biennial meeting of the Federal Council of Churches of Christ, in Buffalo, made the strongest strike with the ministers when he told of NBC's rejecting a \$1,000,000 account that would have called for the signoff of a high-class program with the lone announcement, 'sponsored by the blank distillery.' The visual audience applauded—the only time it did so during the talk. Clergy men chuckled, however, a few seconds later when Major Lehr, in telling of products mixed for advertising by NBC 'as a protection to the public' said they ranged from reducing agents to firecrackers.

NBC head's voice, though not of full timbre, especially for an uninterrupted 30-minute address, generally sounded clear. Manner frank, friendly and sincere.

Philip Morris' 'What's My Name?' is a canny audience-participation show on WOR. The steering down of the award, which is \$1 each with a 50-cent bonus, commencing at \$10, averages at least \$7 to each participant.

Personalities are wisely edited, the presentation by 'Johnny,' the trademarked call-boy, good showmanship, but most effective is the voice of Arlene Francis, the femme interrogator. She radiates a 'wholesome sex' in her mike stance and engagingly couples with her male vis-a-vis. Charles O'Connor, who airs the straight plugs, is likewise effective.

ANTHONY EDEN
 Friday, Dec. 9
 WOR, New York
 Former foreign minister of Great Britain (and reported due to rejoin the cabinet) was lionized at the Congress of Industry banquet at the Waldorf-Astoria. He was gracious and pleasant, but said very little. His talk was 90% platitudes, but the 10% held a few left jabs at Hitler and his pals and accordingly went over big.

Before he talked, H. W. Prentice, of Armstrong Cork, gave a sizzling talk that qualified him as one of the truly articulate and eloquent spokesmen of big biz. It was a bang-up speech, presenting the anti-government viewpoint without stressing property rights to the exclusion of all humanity—which often happens when business men try to enter the political arena. Land.

PLANTATION PARTY
 With Whitley Ford, Dolly and Milly Good, Range Riders
 30 Mins.

BUCKEY TOBACCO
 Friday, 9 p.m.
 WJZ-NBC, New York
 (B.B.D. & O.)

Small time half hour to sell a 5c. pipe tobacco strictly on adget appeal. It's for the last two tiers of the population and the talent probably is okay for that purpose.

Corny singing bee stuff (and rather good in maintain tempo), plus a gent named Whitley Ford, billed as the Duke of Paducah, who tells such gags as these:

Western sandwich—two pieces of bread with wide open spaces between.

Oysterettes—warts off crackers. Comment is superfluous. Land.

LARRY ADLER
 Harmonica
 15 Mins.
 ABC-Melbourne

Larry Adler on his air debut here proved himself to be a radio personality. Clicked on the air just as strongly as he hit public fancy in vaude premiere at Tivoli—which means plenty.

Booked for radio through a biz arrangement by Australian Broadcasting Commission with Tivoli Theatres. His harmonica playing is class entertainment; easy on the ear and backed by a splendid sense of air showmanship.

ABC built session up by including Harry Bloom's band. Adler also does a short spiel with studio announcer telling how he first broke into the biz with his harmonica. Chatter is nicely handled and makes a break between numbers. Rick.

'WORDS WITHOUT MUSIC'
 With Don Costello, House Jameson, Adelaide Klein, Dwight Weist, Neil O'Malley, Luis Van Rooten, Arnold Moss, Helen Charvat, Dorothy Snyder, Della Reynolds, Louis McBride, Helen Sharbutt, William Craig, Kenneth Hayden, Willard Stout
 30 Mins.
 Sustaining
 Sunday, 5 p. m.
 WABC-CBS, New York

Sub-billed 'Art of Song,' is stanza debuted last Sunday (4) as a frank experiment. Produced by Norman Corwin, who was formerly associated with the Columbia Workshop, it attempts to weave a musical spell from the spoken word, 'employing only the technique of orchestration and augmentation.' By that is presumably meant that it uses actors, sound effects and added lines to dramatize poetry.

It is a distinct novelty and, if the standard of the initial session is maintained, should gather a regular, though possibly somewhat limited, following. Has the advantage (for a show of its character) of following immediately after the Philharmonic symphony broadcast, but may lose some of that audience to the Metropolitan Opera auditions in the concurrent slot over WJZ.

Unlike some of the sing-song programs of straight poetry readings, 'Words Without Music' will not only be a natural for the poetic bugs, but it won't chase away the ordinarily literate with no particular lyric sense. Reason is that the dramatizing technique gives the poems much more vividness than is offered on the printed page, while the verse itself, plus the written-in speeches and sound effects, all blend into an infectious rhythm. Undoubtedly production of the stanza requires unusual lyric sense, plus skilled direction and sensitive playing. But it possesses a unique advantage in having an unlimited supply of poetic material available.

Bow-in program was wisely limited to comparatively short poems. They included Vachel Lindsay's picaresque 'The Daniel Jazz,' Corwin's own 'Claire de Lune' and his imaginative 'Interview with Signs of the Times,' William Rose Benet's melodramatic 'Jesse James,' Carl Sandburg's 'The Killer,' Robert Francis's atmospheric 'Night Train,' Edwin Lear's 'Pobble Who Has No Toes' and Jake Falstaff's fabulous 'How the Wind.' All were well suited for this type of program. Hobe.

THE STORY OF

CARROLL LEVIS

AND HIS SENSATIONAL RISE TO FAME

By LEVIS CARROLL

(NOT TO BE CONFUSED WITH THE AUTHOR OF "ALICE IN WONDERLAND")

Three years ago, a young Canadian arrived in London with \$300 and plenty of CONFIDENCE. Six months later the same Canadian was still in London with PLENTY of CONFIDENCE and only \$50. He KNEW that if he could persuade The British Broadcasting Corporation to let him broadcast his own show he would be a success.

Then, when things were looking BLACK and all he had left was his CONFIDENCE (and he couldn't eat that) Eric Maschwitz, then the B.B.C. Director of Variety, gave CARROLL LEVIS his OPPORTUNITY.

LEVIS WAS RIGHT! One broadcast made him a star! Today, at 28, Carroll Levis earns \$5,000 a week and he is booked solid until 1940. QUAKER OATS have signed him for another year, and several Film Companies are seeking his services.

And yet, Carroll Levis is not satisfied! He wants America to know him, too! It is impossible for Levis to appear here owing to his British Contracts—but he could make electrical transcriptions! Carroll Levis has a million dollar idea for some live organization! Who will sign Britain's Greatest Master of Ceremonies in his own Shows—transcribed in England?

(TO BE CONTINUED)

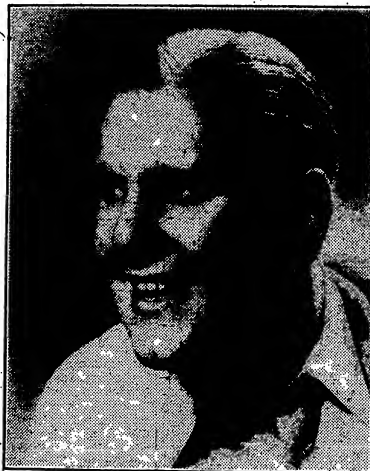
IN CASE YOU ARE INTERESTED THE ADDRESS IS
CARROLL LEVIS
 PRODUCTIONS

EAGLE HOUSE

110 JERMYN STREET, LONDON, S.W. 1
 Phone Whitehall 8711

Sole Direction
LEONARD
 URRY

Cable Address
URRY
 LONDON



HOW NBC BLUE OFFERS LOWEST COST

...in Network History

REGULAR AUDIENCE

New surveys prove high per cent of regular listeners —
NBC BLUE

PREFERRED TIME

You have a selection of choice hours at which to broadcast —
NBC BLUE

NEW DISCOUNTS*

Make it easy for you to "go National" on a modest budget —
NBC BLUE

*For advertisers who want national coverage the NBC has set up an economy discount schedule that provides wider opportunity at lower cost. The strong Basic Blue Network, plus valuable supplements, is now available for your programs at rates that permit coast-to-coast circulation for very little more than the cost of the Basic alone. You can have the whole story quickly, completely, concisely by communicating with the nearest NBC office.

"Better Buy Blue"

NBC

Blue

NETWORK

NATIONAL BROADCASTING
COMPANY

A Radio Corporation of America Service

Actors Ask 'Yes' or 'No'

(Continued from page 37)

after the meeting and spent the two days at her place in Vermont. Since the Dec. 22 deadline was set, it was decided she might as well remain east until then. If the agencies turn down the union demand (as they're expected to do), Mrs. Holt will probably go to the Coast then. Idea would be for her to rally support among the union's star names in case a strike is called.

Only immediate reaction of the agency men to AFRA's proposed agreement was that its terms are unacceptably steep. However, the union's officials claim that in most cases the present schedule of fees paid by the leading agencies for sponsored programs is about the same as those in the contract. AFRA execs explain that certain agencies pay below the suggested scale in almost all categories, but that acceptance of the contract by the 'better' agencies would entail only a slight boost in expense.

Proposed agreement would guarantee that AFRA remain an 'open union'—that is, that it could not refuse to admit any candidate for membership in its ranks. Also calls for a complete 'AFRA shop' for all commercial programs. That would include announcers, which means that the CBS announcing staff, most of which has membership in the unaffiliated American Guild of Radio Announcers and Producers, would have to join AFRA as well. Such a development would presumably

make the indie outfit a virtual nonentity.

Committees representing AFRA and the Radio Writers Guild are expected to meet within the next week in regard to the jurisdictional issue involving script writers on the Coast, but no specific date has been set. Although the matter could possibly develop into a serious fight between the performer union and the RWG's parent organization, the Authors League of America, it is expected to be peaceably settled. Reports from the Coast are that the Los Angeles local has negotiated a contract covering writers, as well as actors, singers, announcers and sound-effects men, with CBS subject to approval by the union's national board, but AFRA officials in New York claim they have no definite word to that effect.

Washington, Dec. 13. Elections to decide collective bargaining medium for performers at three St. Louis stations were ordered today (Tuesday) by the National Labor Relations Board following certification of American Federation of Radio Artists as spokesmen for KMOX staffers. Balloting was ordered within 30 days at KWK, KSD and WEW, by actors, singers and announcers. Both regular employees and free-lancers, who are hired occasionally, will be eligible. Question is whether AFRA will do their haggling with no rival union in the field. Certification of AFRA to deal for KMOX workers was based on analysis of data submitted

by union showing 47 out of 62 qualified persons hold union cards. Proceeding is at variance with principle established more than year ago in controversy over technicians. Columbia Broadcasting System successfully resisted efforts of American Communication Association, affiliate of the CIO, to force bargaining on a local basis. After weeks of study board held split-second operations require networks to deal with technical workers on chain-wide basis because recognition of different unions at various spots might complicate operations.

Seen as Victory
Decision in the NLRB case against the St. Louis stations is considered a victory by AFRA. Its effect is seen as vital in the union's drive to organize radio performers throughout the country, since it involves a fundamental principal in collective bargaining.

Issue hinged on whether the various classifications of performers should be considered a single group or divided into separate bargaining

units. St. Louis stations, under the leadership of CBS, had contended that actors, singers, announcers and sound-effects men should each be regarded as individual bargaining groups and should vote as separate units.

Since there is no opposition to AFRA in the St. Louis territory, it is expected to win easily in any elections held at the various stations.

NBC SUED FOR 176G FOR THEFT OF IDEA

National Broadcasting Co. was sued yesterday (Tuesday) by Loedwick Vroom and George W. Butler, authors, for \$176,000 for alleged plagiarism of an alleged idea for a series titled, 'Understudy Hour.' The plaintiffs seek \$26,000 for the plot and \$150,000 for depreciation of the idea.

AFRA Sponsor Demands

General conditions: Guild shop. Producers agree not to transfer responsibility for the purpose of evading any of the terms of this agreement. Contract will be in effect until Jan. 15, 1940. Both parties to the contract agree to submit any disputes arising out of it to arbitration.

ACTORS

Length of Program	Fee	Rebroadcast
15 mins. or less	\$15	\$10.00
16 to 30 mins.	\$25	\$12.50
31 to 60 mins.	\$35	\$17.50

Rehearsal fee—\$6 per hour for first hour or less, subsequently at \$3 per half hour. Rehearsal for programs in excess of 15 minutes may be in two sessions paid for as separate units, but each must be computed at least an hour.

Auditions—One-half the broadcast fee. Rehearsal time for auditions at the same scale as regular rehearsals.

SINGERS

Class 1—Groups of nine or More Voices.	Length of Program	Fee	Rebroadcast
	15 mins. or less	\$14	\$7
	16 to 30 mins.	\$16	\$8
	31 to 45 mins.	\$18	\$9
	46 to 60 mins.	\$20	\$10

Rehearsal fee—\$4 per hour and at least one hour required, subsequent rehearsal at \$1 per quarter-hour.

Class 2—Groups of five to eight Voices.	Length of Program	Fee	Rebroadcast
	15 mins. or less	\$24	\$12
	16 to 30 mins.	\$28	\$14
	31 to 45 mins.	\$32	\$16
	46 to 60 mins.	\$36	\$18

Rehearsal fee—Same as for Class 1.

Class 3—Groups of two to four Voices.	Length of Program	Fee	Rebroadcast
	15 mins. or less	\$30	\$15.00
	16 to 30 mins.	\$35	\$17.50
	31 to 45 mins.	\$40	\$20.00
	46 to 60 mins.	\$45	\$22.50

Rehearsal fee—\$5 per hour and not less than one hour required, subsequent rehearsal at \$1.25 per quarter-hour.

Class 4—Solosists.	Length of Program	Fee	Rebroadcast
	15 mins. or less	\$40	\$20
	16 to 30 mins.	\$50	\$25
	31 to 45 mins.	\$60	\$30
	46 to 60 mins.	\$70	\$35

Rehearsal fee—\$8 per hour and not less than one hour required, subsequent rehearsal at \$1.50 per quarter-hour.

Auditions—One-half the broadcast fee, for audition rehearsals one-half the regular rehearsal fee.

Special conditions for singers—To be considered a rebroadcast, any repeat performance must be given within 24 hours of the original broadcast. All rehearsals must be at least one hour, except immediately before or after a broadcast and except that singers may be required to stand by 15 minutes before performance without payment of a rehearsal fee. All orchestra rehearsals must be in one session. There must be a five-minute rest period in each hour rehearsal of more than one-hour duration. Any member who rehearses in a group must be accepted as part of the group and may not be discharged except for cause as long as the group is kept on the air or for a period of 13 weeks, whichever is less.

ANNOUNCERS

Length of Program	Fee	Rebroadcast
15 mins. or less	\$15	\$10.00
16 to 30 mins.	\$25	\$12.50
31 to 60 mins.	\$35	\$17.50

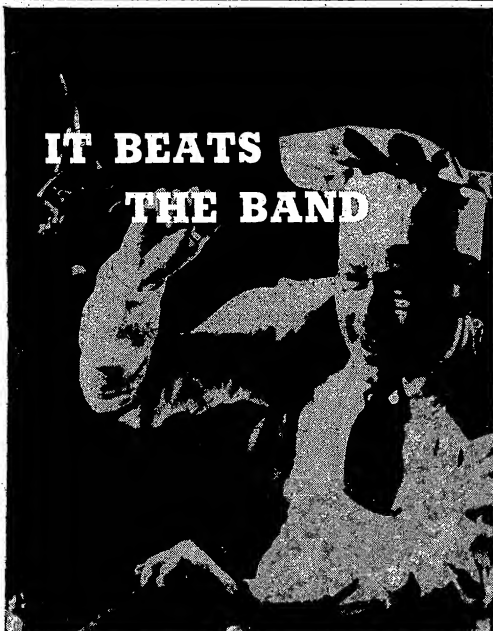
Rehearsal fee—\$6 per hour, subsequent rehearsal at \$3 per half-hour. Series shows over at least a 13-week period, for a 15-minute program, three or more broadcasts a week, according to the following scale:

No. of programs per week	Fee	Rebroadcast
3	\$50	\$25.00
4	\$60	\$30.00
5	\$75	\$32.50
6	\$85	\$42.50

(Includes 45 minutes of rehearsal time.)
Network cut-in commercial announcements, \$10 each.
Auditions—One-half the broadcast fee. Rehearsal for auditions at same scale as rehearsals for regular broadcasts.

General conditions covering actors, singers and announcers: In case of a program cancellation, all artists must be notified at least 24 hours in advance or else paid in full. Artists whose engagements are cancelled must be paid in full, unless the cancellation is for 'gross insubordination or misconduct,' in which case AFRA must consent. No further services (such as personal appearances, making of transcriptions, etc.) may be required of any artist engaged for a broadcast, unless with written consent of AFRA. In all cases of prosecution (civil or criminal, private or government) for any broadcast, the producer agrees to assume the expense of legal defense.

IT BEATS THE BAND



how Homer drums up sales

Throughout the Rocky Mountain Region, everybody knows him. He's the sensational swing drummer and master salesman who plays on the KLZ Homemaker's Program each morning . . . to a capacity studio and listening audience.

The Homemaker's Program would be a good show without Homer. He makes the difference between just that and superb showmanship. That's the TYPICAL difference between KLZ and the ordinary radio station . . . and it beats the band how that difference sells goods for KLZ advertisers!

KLZ Denver

CBS AFFILIATE—560 KILOCYCLES

MANAGEMENT AFFILIATED WITH THE OKLAHOMA PUBLISHING COMPANY AND WXY, OKLAHOMA CITY, REPRESENTED BY THE KATZ AGENCY, Inc.

SALUTE to NEW advertisers who helped make 1938 a RECORD YEAR for WFBR

Here are the NEW NATIONAL ADVERTISERS (non-network) whose business, added to renewals by old advertisers, gave WFBR a record volume in 1938!

Assn. of Pacific Fisheries
Axtion Fisher Tobacco Co.
Baume Bengue
Bell-Ans
Boscul Coffee
California Walnut Growers' Assn.
Florists Telegraph Delivery Assn.
Groves Laboratories, Inc.
Hinds Honey and Almond Cream
Holland Furnace Co.
Hudson Terraplane Sales Corp.
Johns Manville Corp.
Manhattan Soap Co.
Maytag Company
Nucoa
P. Lorillard Company
Pecan Feast Candy
Peter Paul, Inc.
Quaker Oats Co.
Quinlax
Remington-Rand
Rit Products Corp.
Winston Dictionaries
Zonite Products

Plus-- 86 NEW local advertisers!

IN BALTIMORE IT'S **WFBR**
NATIONAL REPRESENTATIVES
EDWARD PETRY & CO.
ON THE NBC RED NETWORK

Eliot Lovett Gently Argues Court Is Blind to Gross Injustice

Washington, Dec. 13.

Need for judicial restraints on the FCC to prevent continued harassment, delay, and expense was cited last week as reason why the District of Columbia Court of Appeals should reconsider its decision upholding denial of a petition for injunction which would prevent a new hearing in the Black River Valley (N.Y.) case. Another round in the long-fought legal battle for a franchise in Watertown, N. Y., was initiated by Black River Valley Broadcasts, Inc., which suffered its third successive reverse a fortnight before.

Subtle suggestion that the Court of Appeals does not clearly understand either the Communication Act or the practical situation was made by Eliot C. Lovett, counsel for Black River, in a motion that the court order reargument on the appeal from adverse ruling by the local Federal District Court, which refused to enjoin the FCC. In respectful fashion, the representative of the indignant company warned that the position reflected in recent opinion by Justice Fred M. Vinson will mean plenty of future grief for license-seekers.

Decision that an injunction would be an improper barrier in the way of regulatory bodies 'is fraught with pernicious potentialities,' Lovett declared, and only by reversing its position can the tribunal prevent 'unfortunate situations' which may inflict grave injury upon members of the radio industry.

Set Aside

The bitterness of the legal fight is due to the fact that after Black River had spent money, time and effort building an outlet the FCC 'set aside' its grant and ordered another hearing with additional parties and issues. If such proceedings are proper, Lovett maintained, there is no limit on the right of the regulators to keep on delaying final action which would provide legal grounds for an appeal and a judicial review of their decision.

An injunction to block a new hearing is perfectly proper and in accordance with legal precedents, the motion declared. Notably because the Communications Act does not restrict applicants to appeal from final decisions but, on the contrary, speaks of other remedies to prevent injury and injustice. In similar situations, judges have held that injunctions are proper to protect the rights of citizens against invasion by governmental agencies, he suggested.

In the present situation, the Communications Act does not allow a review by appeal 'where a successful applicant is about to be subjected to unauthorized proceedings entailing a large expenditure of additional time and money and the jeopardy of rights represented by the granting of its applications.' Situation is extremely grave and denial of injunctive relief means 'the Commission would be free to perform any and every arbitrary and capricious act imaginable and to do so with impunity unless that act is in the nature of a decision from which an appeal may be taken under the provisions of Section 402 of the Communications Act.'

Court missed the point of the law in considering the rehearing provisions, the Black River spokesman maintained. In the first place, a petition for rehearing by the FCC does not automatically reopen the case but merely extends the time in

which an appeal may be taken. Furthermore, the Commission in this instance did not grant a rehearing in the ordinary legal sense because the future proceedings would not be confined to the original issues but would involve other late-comers—Watertown Broadcasting Co., and the Watertown Times—as well as other controversial subjects. By its decision, the Court of Appeals has authorized a novel procedure, Lovett said. Another objection to Judge Vinson's reasoning was that the Commission has vacated its original decision so that 'there is nothing left to reverse change, or modify.'

If the goings-on in the Black River case receive judicial approval, there would be no end to the burden which the Commission could impose upon an applicant, according to Lovett. As an illustration, he envisioned a succession of applications

COMMISSIONER CASE HAS TONSIL OPERATION

Washington, Dec. 13.

Commissioner Norman S. Case went on the FCC casualty list again last week when doctors scissored his tonsils in an attempt to remove the source of infection which laid him up for several weeks during the summer. Operation was performed Friday (9), but the former Rhode Island governor probably will not return to active duty for another week. Meanwhile Commissioner George Henry Payne remains absent, under orders from physician who feared working strain may have serious consequences.

even after the FCC had granted one request and a chain of hearings which might go on indefinitely unless some court is willing to provide protection.

Hal Moore, formerly on the announcing staff of CBS, has joined WNEW, N. Y., in the same capacity.

French Linguists Huddle in Montreal: CBC Price Edge on Lever Bros. Biz

Montreal, Dec. 13.

Closed meeting of broadcasters representing privately owned stations on the French regional network here was held last week for discussion of means of offsetting price competition from the Canadian Broadcasting Corp. regional net. Privately owned stations accepting programs for their French net must buy their lines from the government.

Understanding here is that CBC has offered Lever Bros. a time contract on the regional net on a basis which would be about one-third of the price asked by the private stations. Reported that where the government can sell time for \$20 per broadcast on the regional hookup while the same number of private stations have a rate of \$59 for the

same time owing to line charges which the stations must pay for use of government wires.

Believed that representations may be made to the CBC at Ottawa for some relief.

Annual meeting of the Canadian Association of Broadcasters is scheduled to be held here Jan. 23. Director of the CAB may huddle Jan. 22,

WNEW WOOS WESTCHESTER

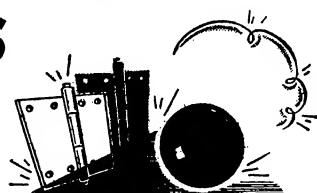
WNEW, N. Y., is going after listeners and advertisers in the adjacent county, the residential Westchester. Debuts a 'Westchester on Parade' next Monday at 7 p.m. Participatory.

Bob Carter will conduct.

Elythe Fern Melrose is new commercial manager of WJW, Akron.

CREAKING HINGES AND BOWLING BALLS

These things, too, we think, are part of the story of WLW



Don Winget, Jr., WLW's Chief Sound Effects Engineer, one of the nation's outstanding sound men, skillfully combines a sense of showmanship with scientific knowledge. A student of electrical and mechanical engineering he has elevated WLW's Sound Department to the position of one of the finest in the world.

SOUND EFFECTS at the Nation's Station consist of more than the rustling of cellophane and the slamming of miniature doors. The WLW Sound Department has mechanical equipment to reproduce more than 3,000 sounds . . . plus approximately 2,000 sound recordings. In addition to this WLW's Sound Research department is constantly striving to perfect, improve and create new sound effects. Among the many things developed by this research are WLW's famous Program Time Clock, The Paul Sullivan News Machine which duplicates the sound of a teletype machine, Bullet Photography to determine the blanks to be used on the air, Voice Distorters as used in mystery programs, plus many other novel innovations.

WLW pioneered in recording sound as early as 1926. Today, no expense is spared and the resources of the entire Crosley Corporation are at the disposal of the WLW Sound Department that regardless of what sounds a script may call for they can be successfully reproduced.

Don Winget Jr.
WLW's Chief Sound Effect Engineer

Byron Winget, Assistant Chief Sound Engineer, works at the lathe in WLW's Sound Laboratories developing a miniature gasoline motor used in WLW Productions to represent the sound of an outboard motor, farm water pump or miniature racing car.



Industrial noises, including generators, motors, riveting machines, escaping steam, etc., are reproduced in unison by WLW's Sound Department staff, including (left to right) George Mundhenk, Walter Campbell, Don and Byron Winget.



Compressed air is used by Don and Byron Winget to reproduce the sound of a moon rocket, which a recent WLW script required. Such unusual requests are not infrequent and to date WLW's Sound Department has never once failed to deliver.



Don Winget, Jr., explains to George Mundhenk the intricacies of a novel sound effect. Behind them are stored a few of the thousands of gadgets used to reproduce sound, including practically everything from creaking hinges to bowling balls.

Results
WLBZ
COUNT MOST
BANGOR, MAINE
NOW NBC
RED AND BLUE

WEED & COMPANY
RADIO STATION
REPRESENTATIVES
NEW YORK - CHICAGO
DETROIT - SAN FRANCISCO

Nation's Powder Keg

(Continued from page 1)

current. In the event of any wide-spread outbreaks of a racial or religious nature the shout of gleeful "I-told-you-so's" from totalitarian countries would possibly impair American standing. It goes as deep as that, and is as serious as that, in the opinion of many shrewd pulse-readers.

Christmas holidays, with their traditional glow of good feeling for all, don't come any too soon at this psychological juncture, the victory-with-alarm city. They believe there is a vast need to relieve the pressure of anxiety and insecurity which translates itself into petty hatreds of one's neighbors who act, look or worship differently.

During the past week, events in various parts of the country tended to whip up further problems of this nature. A priest in Syracuse began emulating the Royal Oak broadcast. Meanwhile, it was hailed as a note of opposite pitch when Cardinal Mundelein repudiated Coughlin as speaking for the Catholic church.

Disciplined Pickets

Parade for Coughlin

Philadelphia, Dec. 13. WDAS on Sunday was surrounded by almost 5,000 pickets, 10 times as many as the week previous, because of its refusal to broadcast the address of Father Coughlin unless he submits a script in advance. Marching in a double line and bearing placards, the demonstrators completely encircled the block in which the outlet is located, while thousands of others massed in the streets, completely blocking traffic. Station at the same time was swamped with phone calls protesting the ban.

While a small army of cops found little to keep them occupied by the orderly crowd except to untangle traffic, two detectives stood guard

in the studio reception room. All visitors were barred, as the station reiterated its previous assertion that the only reason for the ban was the priest's refusal to submit a script. It wasn't said, however, whether the broadcasts would definitely be resumed if the scripts were provided.

Calls Station 'Red'

Sunday's demonstration began before 3 p. m., and hour after hour Coughlin regularly takes the air, and continued until nearly 5:30 p. m. Pickets bore placards urging a boycott of WDAS advertisers and asserting "WDAS Is Red" and "WDAS Supports Communism." Helen V. Byrne, of the National Union of Social Justice, and Thomas Blissard, chairman of the pickets, insisted the protest was "not against the ban on Father Coughlin, but against the denial of the constitutional right of freedom of speech."

During the demonstration, copies of Father Coughlin's Social Justice magazine were sold to spectators, and pamphlets were passed out urging attendance at protest meetings Thursday night at Harmer hall and Friday night at the Broadway hotel.

"Meantime" two liberals took swats here at stations which refused to carry the Coughlin show. Dr. Luther A. Harr, city treasurer, and treasurer and editorial counselor of the Philly Record, said that suppression of talks such as Coughlin's was a dangerous precedent in that it leads to the intolerance it is meant to prevent. He addressed the Women's Committee of the National Conference of Jews and Christians.

Dr. Max Lerner, former editor of The Nation, declared on Sunday that Father Coughlin should not be cut off the air even though he is "spreading lies and poison." He said, "The way to fight those lies is to produce an economic and political order that gives the people a sense of security. Put people back to work and they won't listen to lies, won't swallow poison. No matter how many Coughlins talk, they can't produce anti-Semitism if the people are economically secure."

Watchtower Religious Sect Sues Catholics

Akron, Dec. 13. Recent demands of a group of Catholics that WADC, Akron station, halt the Joseph Rutherford Watch Tower Bible & Tract Society's broadcasts has resulted in a \$25,000 suit brought against the Catholics by the society. Petition names three prominent priests, the Revs. Hilary Zwissler, pastor, and the Rev. John T. Murphy, his assistant, of St. Sebastian's church; the Rev. Richard Dowel, pastor of Church of the Annunciation; Leo G. Walter, grand knight of Akron Knights of Columbus, and Charles J. True, president of the Akron District Holy Name Union. A Congregational minister who called on the station in company with the Catholic delegation was not named in the suit.

Petition bitterly denounces the defendants, charges them with acting in a conspiracy to defeat freedom of speech, and claims that they "all and severally, activated by religious hatred, bigotry and intolerance, conspired with others to cause an unlawful breach of contract, to deprive the society of the right of free speech, and the publishing of Biblical opinions objectionable to themselves, their church and its hierarchy."

Society asserts that the defendants

intimidated the station management into cutting Judge Rutherford off the air 20 minutes before his time had expired, as he was broadcasting a speech, "Fascism or Freedom, Which Shall We Have?"

Program has been off the air since that time, the society's program having reportedly been ended at that time.

Protestant Cleric Calls

Priest's Jew Facts N.G.

Albany, Dec. 13.

First public answer hereabouts, via radio at least, to recent broadcasts of the Rev. Charles E. Coughlin, was made by Dr. M. Stephen James, minister of the First Reformed, Albany's oldest church, over WABY.

Dr. James, who said he preferred to speak as a citizen rather than as a minister, challenged the accuracy of certain statements and questioned the general reasoning of Father Coughlin. He criticized the tone and manner in which the priest spoke at times; also the juxtaposition of articles, headlines and photographs in "Social Justice."

Minister scoffed at priest's intimation of Jewish control in American newspaper and radio fields, called it "terribly far-fetched." Dr. James quoted Fortune's 1936 survey of Jews in the American business picture, giving a 1,400,000 circulation figure in four groups of newspapers controlled by Jews and more than 9,000,000 in those controlled by Hearst, Scripps-Howard and Patterson. He thought Father Coughlin's "powerful voice" should be ministering to a feeling of trust rather than of distrust.

WABY, which also carries Detroit priest, voices a disclaimer as to responsibility for Father Coughlin's views, before he hits the air.

Cardinal Mundelein

Repudiates Coughlin

Detroit, Dec. 13.

Spurning proffer by Father Coughlin of free use of his regular Sunday afternoon hour, General Jewish Council gave okay to Aircasters, Inc. here last week to line up national web for a reply address Sunday (11) by Frank J. Hogan, prez of American Bar Assn. (Cardinal Mundelein of Chicago has repudiated Coughlin as a church spokesman.)

Latter spoke from WOL, Washington, over hookup with WJR as local outlet, immediately following Priest's hour, from 5:30 to 6 p. m. Subject was "An American Catholic Speaks on Intolerance."

When Jewish Council's intentions became known, Father Coughlin conferred, through Leo Fitzpatrick, gen. mgr. of WJR here, to let council use 45 minutes of his regular Sunday broadcast for a reply to priest's recent alleged anti-Jewish talks. Fitzpatrick said offer was prompted by difficulty council encountered in trying to arrange network in time. Council, however, turned down offer with thanks and continued to line up own hookup.

Dies Clears NBC Of

'Suppression' Allegation

Group of pro-Coughlinites have arranged to stage a protest meeting against what they describe as radio monopoly and censorship at the Manhattan Center, N. Y., tomorrow (Thursday). The group labels itself the Committee for the Defense of American Constitutional Rights.

Handbill which the group was distributing around town yesterday (Tuesday) declared that the meeting was to protest against the treatment by broadcasting of such persons as Father Charles Coughlin, Boake Carter and Congressman Martin Dies. In a talk on an NBC hookup last night (Tuesday) Representative Dies repudiated statements that had been made about radio broadcasters shying away from him. Dies expressed his thanks to NBC for its past courtesies, pointing out that this was the seventh time that the network has made its facilities available to him and that it has been extremely fair to him.

Coughlin Sues Free Press

Father Coughlin last Thursday (8) filed a suppressed suit in circuit court here against the United Free Press, asking \$2,000,000 libel damages; \$1,000,000 actual and \$1,000,000 punitive damages.

Priest had demanded that morning sheet, whose publisher, E. D. Stair, was the object of Coughlin's first big attack several years ago following bank crashes, retract statements published on page one day

Local Priest Emulates Coughlin

Attacks Lutherans' Patron Saint—Also Jews—Syracuse Press Silent

Hating Out Loud

Hartford, Dec. 13.

Hartford Times, in a recent editorial titled "Freedom of Radio Speech," referring to recent broadcasts by Father Coughlin, says that a type of censorship applicable to vox pop letters by editors should also be applied to radio.

"No newspaper," states the editorial, "permits a letter writer to say whatever he may please of an incendiary, abusive or libelous nature. Freedom of the press does not mean that an editor who is obliged to assume responsibility for his columns must open them to such utterances."

"A similar condition must also apply to the radio."

Syracuse, Dec. 13.

Although the local press saw, heard and said nothing, WSYR officials are walking around keeping their fingers crossed as the result of recent public reaction to the weekly Catholic Hour broadcasts of Rev. Martin J. Watly, director of the Society for the Propagation of the Faith of the Catholic Diocese of Syracuse.

Officials were frankly worried over the kickback which followed Father Watly's broadcast of three weeks ago in which he discussed Martin Luther and the Reformation movement in a manner which brought a storm of criticism from the pulpits of various Lutheran churches in the city.

When the press kept silent on the situation, however, studio officials heaved a sigh of relief. On the next Sunday, however, Father Watly took the air again and followed the lead of Father Coughlin by lambasting Jewish leaders for their silence during the persecutions in Spain and Mexico.

Father Watly admitted that he had received a number of letters and calls of criticism as a result of the broadcast, but would make no further comment. Studio officials said they had received a number of telephone complaints after the talk. Again the press, apparently afraid of stirring up a hornet's nest, remained quiet and the matter has now seemingly blown over.

ANTI-COMMUNISM

GROUP ON WMCA, N. Y.

Regular anti-'ism' program will be aired by station WMCA New York, starting Dec. 19, under auspices of Jewish Federation to Combat Communism, Fascism and Nazism. Talk program will be on sustaining basis. Federation's angle is to dissipate thought that many communists are Jews.

Never Gets Out of House

Seattle, Dec. 13.

Joe Spadea, Detroit triple threat man of Ed Petry office, donned kitchen apron at home of Bert Fisher, gen. mgr. of KOMO-KJR. Invited party of factory auto reps and automotive agency heads, got a spaghetti dinner.

Spadea personally ordered all the groceries and spent seven hours over hot stove.

following priest's previous Sunday (4), in reply to Coughlin's charges that Free Press had misstated Rabbi Leo Franklin's interview with Henry Ford, in which motor mogul had condemned intolerance.

Print refused to make retraction because "it feels that there is nothing to retract."

WCKY's Other Side

Cincinnati, Dec. 13.

WCKY used special announcements Saturday (10) and Sunday (11) calling attention to its Allied Jewish Council broadcast, replying to Father Coughlin, whose programs the station has been carrying regularly.

Transcribed Rebottal

Indianapolis, Dec. 13.

WIRE transcribed the program answering Father Coughlin on some of his recent speeches, Sunday. Station carried program one hour later.

WBAL

means business in Baltimore

ANDY KIRK

AND HIS CLOUDS OF JOY with

MARY LOU WILLIAMS PHA TERREL

NIXON GRAND PHILADELPHIA This Week (Dec. 9)

Management

JOE GLASER, Inc.

RKO Bldg., Radio City, New York



HARRY SOSNIK...

... MUSICAL DIRECTOR ...

CHARLES BOYER—WOODBURY PLAYHOUSE

(ORIGINAL SCORE)

Sundays—9 P.M. EST—NBC

JOE E. BROWN—POST TOASTIES

Saturdays—7:30 P.M. EST—CBS

MANAGEMENT MCA

ARTISTS' Management

presents

An Unusual Christmas Night

PAUL WHITEMAN

and His ALL-AMERICAN BAND in a

JAZZ CONCERT

(An Experiment in Modern American Music)

DEWEY TAYLOR, Conductor

Sunday, Dec. 25, at 8:30 P.M.

CARNEGIE HALL

57th St. & 7th Ave.

PRICES

50c-\$3.00 BOX SEATS \$5.00-\$5.00

SEATS NOW ON SALE

17 E. 45th ST. N.Y.C.

MU. 2-1888

Station Managers

Producer, announcer, scribe-network and indie background—needs affiliation with proper station. Click-built shows a specialty. Now on payroll—excellent references.

Write Box 333, Variety, New York

'THE O'NEILLS'

By JANE WEST

NOW RADIO'S MOST POPULAR FAMILY BRINGS YOU MORE LAUGHTER TEARS AND HEART-THROBS

Presented by Ivory Soap • 99% pure

LISTEN TWICE DAILY

NBC Red Network, 12:15 to 12:30 P.M. EST

CBS - WABC— 2:15 to 2:30 P.M. EST

IN .. COAST TO COAST

Dir. COMPTON ADVERTISING AGENCY

MGT., ED WOLF—RKO BLDG., NEW YORK CITY

FCC PETITIONS 'TYPED'

EACH CASE GOES TO A SPECIALIST

McNinch Plan Also Sets Out to Break Up 'Us Boys' Intimacy Between Government Employees and Outside Attorneys

NEW FACES

Washington, Dec. 13. Second major reorganization of the FCC legal staff within a year—direct result of the gutting of Hampson-Gary, former general counsel—will bring broadcasters into contact with a new set of officials and is designed to purify the entre-nous atmosphere which has been the reason for much yelping about favoritism.

Changes in the administrative set-up of the Law Department were announced Thursday (8) by William J. Dempsey, protégé of Chairman Frank R. McNinch, who becomes head of the attorneys when Gary's leave expires. Natural aftermath of the abolition of the examining division and transfer of hearing conductors to the regular legal staff.

Chief effect of the renovation, as far as broadcasters are concerned, is to merge two divisions which formally dealt with matters involving licenses and creation of five new subordinate branches which will handle clearly-defined types of business. Aim is increased efficiency along with severing the wires.

Classified Petitions

Novel subdivisions of the broadcast division are (1) New Stations, (2) Changes in Existing Facilities, (3) Renewals, (4) Assignments and Transfers of Control, and (5) Revocations and Complaints. No heads specified for the branches, which will be manned by four to five legalities. Purpose of these differentiations is to allow a single lawyer to handle a case from its beginning to final disposition by the full Commission.

The remainder of the attorneys will be divided between common carrier and litigation-administrative work, with the latter branch divided into four compartments and changes in the personnel formerly conducting court proceedings. Move is believed designed to improve the embarrassingly-low batting average which the FCC has in the courts by bringing new blood into the ranks of brief-writers and arguers.

Outstanding reform was Dempsey's order that henceforth common lawyers and outsiders representing licensees or prospective applicants cannot huddle in private. Two conference rooms have been opened for conversations of this kind, with outsiders barred from offices of staff members. Ground-glass protection thus is removed from favor-seekers.

Broadcast Division will continue under supervision of George B. Porter, assistant general counsel,

Vox Pop on Skates

Bert Lee, sports announcer for WMCA, New York, will do a winter version of vox popping by interviewing on ice skates at various rink sites around New York. Station is trying to peddle notion to local sports goods dealers.

who has been in charge of this type of business for several years. James A. Kennedy, former sister of program complaints, takes command of the Common Carrier wing, while William C. Koplovitz, rookie on the staff, heads the litigation-administration group. Most of the old examiners have been assigned to broadcast work of some kind. Subdivision line-ups follow:

New Stations—Ralph Walker, George H. Hill, Walter Johnson and Hugh Hutchinson.

Facility Changes—John P. Bramhall, Tyler Berry, George Harrington and Frank Fletcher.

Renewals—James D. Cunningham,

Max Aronson, Russell Rowell and James McCain.

Transfers and Assignments—David Deibler, Basil Cooper, M. W. Winston and C. Salzberger.

Revocations and Complaints—P. W. Seward, James McDowell, Stephen Tuhy, H. T. Slaughter and N. E. Erickson.

Coincident with the shifts, the Commission engaged two new legal advisers, one on a temporary basis in connection with the chain-monopoly inquiry. They are Koplovitz, new head of court operations, and S. King Funkhouser, who will help inject life into the slow-moving quest for data upon which new policies will be based.

Koplovitz has been in government service for the past five years. Resident of St. Louis and graduate of Washington University there and Harvard Law School. Joined the Public Works Administration in 1933 and moved to the Federal Power Commission in 1937. Assistant General counsel of the FTC since the start of this year.

Funkhouser, who comes from Roanoke, Va., reconnects with the

Frisco Gets N.A.B.

Washington, Dec. 13. NAB board of directors today definitely gave the okay for staging of the next annual convention in San Francisco. Conclave will be held some time in July, the exact date to be figured out later. It brings broadcasters into contact with the Fair to be staged there.

government after several years of private practice before Federal agencies. Diplomated by Ohio University Law School. Once was in the legal department of the National Recovery Administration.

Case Exec at WRAL

George T. Case joins WRAL, new station being erected in Raleigh, N. C., as assistant manager Jan. 1, handling programs and sales.

He comes from WDNC, Durham, N. C.

CBS AND NBC WILL AIR ROSE BOWL TILT

Los Angeles, Dec. 13.

Both Columbia and NBC will broadcast New Year's day game between Southern California and Duke in Pasadena Rose Bowl. Heretofore the red-blue chain had the exclusive on the transcontinental airing. This year it is wide open but Mutual-Don Lee is passing up the Bowl game for the East-West charity game in Frisco.

Bill Stern will call the plays for NBC. Tom Hanlon and Gary Breckner double up for Columbia. Most of the local stations will also take a crack at the game and preceding Tournament of Roses parade.

Harwood Hull, Jr., agricultural and publicity director of WAPI, Birmingham, will fly the 2,000 round trip to his home in San Juan, Puerto Rico, during the holidays.

CASTING The Shadow of FU MANCHU ACROSS THE NATION



"THE HOTTEST PROGRAM IN RADIO"
UNPRECEDENTED . . . was the daring to test a program before the most critical audience in radio—over two hundred executives of the leading agencies, networks and stations listened spellbound to the opening chapters of this new program!

SPONTANEOUS . . . and overwhelming was the applause that followed the presentation of the program at the Waldorf-Astoria last Wednesday!

UNANIMOUS . . . is the acclaim of the industry!

Read What the Trade Press Had to Say:

"Packed with thrills and suspense . . . hailed as top-notch by the gathering." — *Radio Daily*.

"After hearing first episodes, FU MANCHU should have as great a success over the air as he had in print." — *Broadcasting*.

"Very interesting. Great commercial possibilities." — *Bill Board*

PHONE — WIRE — WRITE

RADIO ATTRACTIONS, INC.

R. K. O. BUILDING

RADIO CITY

NEW YORK

Telephone - Circle 7-4483

5,000

Watts
Day
•
1,000
Night,

ALL YOU
NEED IN
CENTRAL
OHIO

CBS
Wons
Columbus, Ohio
John Blair, Rep.

Picture of Decca Finances

Securities Exchange Commission Gets Data—Decca Wants to Sell 393,325 Shares

Washington, Dec. 13. Remote control of Decca Records and interest of Warner Bros. in the platter business was revealed last week in documents handed the Securities and Exchange Commission in support of disc company's request for permission to issue 393,325 shares of \$1 common on the New York Curb Exchange.

Web of stock holdings gives E. R. Lewis of London effective control over the recording concern, which in effect is a subsidiary of Decca Record Co., Ltd., of England. The British firm owns directly 71,664 shares of Decca Records, Inc., common and is beneficial, but not record owner of 8,357 more. Other big factor is Warners, via Brunswick Radio Corp., a wholly owned subsidiary, which accounts for 34,402 shares. This means that the overseas company represents 19.2% of the common and Brunswick 10.02%.

Several intermediate steps between Lewis and the U. S. concern. Survey on Aug. 8, 1938, showed the Britisher manipulates 34.69% of Decca Records Co., Ltd., thus being beneficial owner of 49,537 shares of the American offspring. E. R. Lewis & Co. owns 19,868 shares of Decca Records, Inc., being 100% controlled by Lewis. In his own name, Lewis directly owns 1,357 shares of the U. S. unit while E. R. Johnson, who has 8,910 shares, is his nominee for another 553.

The registration statement said

that Brunswick, completely dominated by Warners, received stock four years ago in return for sale of certain equipment. Also \$60,000 in notes. Another W. B. subsidiary, United Research Corp., licensed Decca to use its recording apparatus for a nominal \$10 per year royalty. Later on, through supplemental agreements climaxed a year ago, Brunswick agreed to swap 5,000 of its \$5 shares for 25,000 of the new \$1 common issue and to take an additional 7,500 shares in payment of the balance of the old note, then \$37,500, while United Research sold all of its equipment outright in accordance with the Decca-Brunswick pact.

Financing arrangements revealed that a syndicate of 10 banking firms headed by Vallance & Co. of New York agreed last August to float an issue of 150,000 shares of common. Financiers were to pay Decca \$3.75 a share. No resale figure set except that Vallance promised to sell 5,000 shares at \$4.12½ to Sir William Wiseman, partner of Kuhn, Loeb & Co. and formerly prominent in Paramount Pictures affairs.

The documents also revealed Decca's net income in the fiscal year ended Aug. 31, 1938, amounted to \$206,840 after allowing for Federal taxes. Gross sales, mostly to distributing affiliate, were \$2,011,062, while gross profit was \$979,254. The gross income figure was shaved down to \$259,257.

Details of the relationship between management and the company revealed four of the chief figures have options to buy stock at bargain prices. Pacts assure Lewis, Milton Diamond, secretary; Herman Starr, director and vice-president of WB; and Major G. L. Lloyd, another director, of the right until July 21, 1942, to pick up an aggregate of 5,000 shares at the face value, \$5 a copy.

Three execs were listed as receiving over \$10,000 in annual salaries, but only one, Jack Kapp of New York, Decca prez, has any direct stock interest. Knapp holds 34,091 shares. Lewis and Milton R. Rackmill, treasurer, get no salaries, while Major Lloyd and Starr received only directors' fees during the past year. Kapp's annual pay checks total \$20,800; E. F. Stevens, Jr., v.p., is listed at \$15,600; and Diamond collected \$31,350.

Jack Gorodetzky, bass player and head man of the combo in the Warwick Hotel, Philly, has switched to a spot in the Earle theatre crew. He was formerly in WDAS ensemble.

Network Plugs, 8 A.M. to 1 A.M.

Following is a totalization of the combined plugs of current tunes on NBC (WEAF and WJZ), and CBS (WABC) computed for the week from Monday through Sunday (Dec. 5-11). Total represents accumulated performances on the two major networks from 8 a.m. to 1 a.m. In 'Source' column, * denotes film song, † legit tunes, and 'pop' speaks for itself.

TITLE	PUBLISHER	SOURCE	GRAND TOTAL
My Reverie	Robbins	Pop	42
Have You Forgotten So Soon	Berlin	Pop	40
You Must Have Been a Beautiful	Remick	*Hard to Get	37
Sixty Seconds Got Together	Santly-Joy	Pop	35
Deep in a Dream	Harms	Pop	34
They Say	Witmark	Pop	34
All Ashore	Shapiro	Pop	32
Night Before Christmas	Chappell	Pop	32
What Do You Know About Love?	Marks	Pop	31
Jeepers Creepers	Witmark	*Going Places	29
This Can't Be Love	Chappell	Boys from Syracuse	24
Love, I'd Give My Life for You	ABC	*Thanks for the Memory	24
Is That the Way to Treat a Sweetheart	Olman	Pop	26
Ya Got Me	Lincoln	†U. of Penn. Mask and Wig	24
I Must See Annie Tonight	Bregman-Vocco-Conn	Pop	24
While a Cigarette Was Burning	ABC	†Hollywood Walk of Stars	23
Lambeth Walk	Mills	†Lambeth Walk	23
I Won't Tell a Soul	Crawford	Pop	22
Simple and Sweet	Miller	Pop	22
My Own	Robbins	*This Certain Age	22
Heart and Soul	Famous	*A Song Is Born	22
What Have You Got That Gets Me?	Famous	*Artists and Models Abroad	21
Who Blew Out the Flame?	Feist	Pop	19
You Look Good to Me	Bregman-Vocco-Conn	Pop	18
While a Cigarette Was Burning	ABC	Pop	17
Please Come Out of Your Dreams	Words-Music	Pop	17
It Serves You Right	Tenney	Pop	17
Umbrella Man	Harms	Pop	16
F.D.R. Jones	Chappell	Pop	16
You're Gonna See a Lot of Me	Agar-Yellen	Pop	16
Girl Friend of the Whirling Dervish	Harms	*Garden of the Moon	15
Lovely Debutante	Fox-Hwood	Pop	15
It's a Lonely Trail	Berlin	Pop	15
Room With a View	Bregman-Vocco-Conn	Pop	15
When I Go a-Dreamin'	Lincoln	†U. of Penn. Mask and Wig	14
Angels with Dirty Faces	Fisher	*Angels with Dirty Faces	14
After Looking at You	Robbins	Pop	14
Get Out of Town	Chappell	Pop	13
I'm Madly in Love with You	Mills	†Cotton Club, N. Y., Revue	13
Old Folks	Remick	Pop	12
At Long Last Love	Chappell	Pop	12
April in My Heart	Paramount	*Say It in French	11
I've Got a Pocketful of Dreams	Words-Music	Pop	11
Your Eyes Are Bigger Than Your Heart	Shapiro	Pop	11
From Now On	Chappell	Pop	11
Say It With a Kiss	Witmark	*Going Places	10
When Paw Was Courtin' Maw	Santly-Joy	Pop	10
Day After Day	Green Bros-Knight	Pop	10
Wait Until My Heart Finds Out	Harms	Pop	10
Alexander's Ragtime Band	ABC	*Alexander's Ragtime Band	10
Old Curiosity Shop	ABC	Pop	10
I Won't Go Home	Harms	Pop	10
Singin' in the Saddle	Powell-Whitcup	Pop	10
Sing for Your Supper	Chappell	†Boys from Syracuse	10

15 Best Sheet Music Sellers

(Week ending Dec. 10, 1938)

My Reverie	Robbins
All Ashore	Shapiro
*Two Sleepy People	Famous
Night Before Christmas	Chappell
Deep in a Dream	Harms
*You Must Have Been a Beautiful	Remick
*Heart and Soul	Famous
Umbrella Man	Harms
While a Cigarette Was Burning	ABC
Santa Claus Is Comin' to Town	Feist
Lambeth Walk	Mills
Summer Souvenirs	Bregman
*I've Got a Pocketful of Dreams	Santly
You're the Only Star in My Blue Heaven	Shapiro
I Won't Tell a Soul	Crawford

* Indicates film musical song.

† Indicates stage production song.

The others are pops.

ONCE OVER LIGHTLY

NEW 1938-1939

Princeton Show

Opens New York Dec. 16th

SCORE AND HITS
PUBLISHED BY

HAROLD FLAMMER

Incorporated

10 East 43rd St., New York

THE HOUSE OF 1000 HITS

Nearing the Top!
WHAT DO YOU KNOW ABOUT LOVE

Watch Out For
AMONG THOSE SAILING

Xavier Cugat's
NIGHT MUST FALL

Emery Deutsch's
BEAUTIFUL DANUBE
No Wonder You're Blue

Joe Cherniavsky's
STRANGE

EDWARD S. MARKS

DID YOU HEAR BING SING—
This Sensational Novelty by JOHNNY MERCER and WALTER DONALDSON

COULD BE

JOHN BURKE and ARTHUR JOHNSTON Present a Brilliant Ballad

BETWEEN A KISS AND A SIGH

ON TOP—THE SPARKLING

SIXTY SECONDS GOT TOGETHER

By MACK DAVID and JERRY LIVINGSTON

HEAR FATS WALLER SING HIS SLY SONG

THE SPIDER AND THE FLY

POOR FLY, BYE, BYE!

A QUAIN ORIGINALITY BY JACK MANUS AND LEONARD JOY

WHEN PAW WAS COURTIN' MAW

CHICAGO
BOSTON
CLEVELAND

SANTLY-JOY-SELECT, Inc
1619 BROADWAY
NEW YORK CITY

HOLLYWOOD
PITTSBURGH
SAN FRANCISCO

Sound Your Dischord

With the connivance of Dave Clark, veteran songwriter and wit, Tommy Dorsey last week slipped the needle into that element of band leader who looks to song-plugger parties to help boost attendance on 'celebrity nights' and other such business hypo devices. The rib was in the form of a wire sent to sundry publishers with Dorsey and Clark as the signators.

Wire read: "In keeping with a custom established by some of my colleagues you and a sizeable party are requested not to appear at your convenience at the Hotel New Yorker in order that you gentlemen of the music industry may get together to bring about a complete misunderstanding."

COLLEGE RHYTHM

The sixth of a series of articles on collegiate likes and dislikes as regards modern dance music and dance bands.

The writers, staff members of publications at their respective schools, have been asked by VARIETY to give the opinion of the student body as a whole rather than pass personal judgment. Neither has VARIETY given further instructions as to what was to be said or how. These articles appear as the undergraduates have written them, with the expressed opinions being their own.

VARIETY publishes the series to give music men and band leaders a cross-section of current undergraduate opinion on dance music and bands, with the hope that it will be both informative and instructive. For what the college group has to say about dance music is deemed important in the trade.

DARTMOUTH

By John R. Vincens, '39
(Dartmouth 'Jack-O-Lantern')

The only prom at Dartmouth deserving of the title is the annual Green Key Prom in May. The other two house parties with which this spot that God forgot is honored consist mainly of fraternity house dances where, the funds available being what they are, the type of band heard is mainly in a bracket with Joe Zilch and his four Bon-Bon Boys. But at Green Key the policy has been in recent years to provide two bands of high caliber, or at least of high repute, and an effort is made to select the band which is at the moment most favored about campus for the lead spot. Last spring the Green Key Society polled the college on its favorites, and the first 10, in the order in which they ranked, follows:

Tommy Dorsey, Goodman, Kemp, Gray, Heidt, Lombardo, Webb, Basie, Kaye, Clinton.

The bands picked for the prom were Dorsey and Artie Shaw, the latter chiefly because he was most available for a second band. Perhaps the reasons for the popularity here of Tommy Dorsey can be best explained by attempting to classify the types of taste evidenced by the students in their dancing preferences. The average college man is not a connoisseur of music; he listens to a band mainly to get into step with his woman and dance on. A good band to his mind is one which is easy to dance to.

But there is also that vestige of mad swing which has been making the rounds of the country these past four or five years hanging onto every man's tastes. That might explain in part Dorsey's popularity—merely that he plays sweet music with a touch of hot swing and appeals to the popular taste. That, coupled with his master showmanship which enables him to go out of his way to appeal to his audience, plus the appearance of such popularity kids as Eddie Wright and Jack Leonard, and the variety and quality of the basic vocal work combine to make him sell well. In the same vein appears that the band leader in any class who plays the type of music that the crowd expects and likes, rather than that which he likes or is particularly good at, will be a leader.

Larry Clinton, while ranking 10th last spring, has gained rapidly and is very nearly top band at Dartmouth now, if not exactly on the peak, and his rise may be attributed mainly to the fact that he gives, as does Dorsey, plenty of sweet swing, that he is a good showman, that his arrangements and novelty numbers are unique and pleasant; in short, he pleases his audience. (Trite but true.)

Going a shade rougher, the hot jazz men have their definite place and, on the whole, have as many devotees here as any other group. Goodman, of course, is tops in the crew. While always something to listen to on recording or the radio, at the height of his popularity there was a tendency to treat him in the same class as Koussévitzky and his Boston Symphony outfit—swell to listen to but an awful ordeal for dancing. This may possibly be due to the fact that the public tries to take over dusky Savoy Ballroom stuff and expect to make it go in a Ritz Plaza atmosphere, which naturally leaves it with two choices—either go berserk and try to dance itself to fragments, as many are doing, or else to confine its efforts to gathering around the bandstand and gasping sundry ohs and ahs.

However, since the loss of Krupa and much of his blast, Goodman is getting back to his type of three years ago, in the general opinion, and ranks up where he belongs.

There are other bands, too, which rate high amongst the lovers of hot stuff. This group generally looks at its music as music, and not something to be changed around for its salability. Most of them are familiar with jazz technique and history, and therefore hang their approval onto Goodman, Ellington, Basie, Crosby, Shaw, et al. These bands don't seem, as a whole, to go out of their way to please the public, but rather retain their art at the expense of their popularity—all of which merely means that they don't rank quite as high amongst sedate dance lovers as they might if they took more of a squint at the commercial angle.

Of these bands, Count Basie has been more and more in the public eye since arriving at the Famous Door in New York, and would probably rank higher on a list of the first 10 at Dartmouth today. Artie Shaw, too, has taken a tremendous climb, due mainly to the fact that since being seen and heard here he is in the Dartmouth eye, and although the band might not cut quite so much ice nationally, the presence of Billie Holiday and the presence of Shaw's clarinet took care of the showmanship angle sufficiently to make a big hit in Hanover.

Duke Ellington doesn't appear on the list of the first 10; which is probably as it should be since the various lists of bands compiled here and there from time to time tend more to reflect current fashions rather than old favorites of the Ellington, Whiteman and Lombardo type which can still command an audience most anywhere. Glen Gray rated high last spring; which is somewhat amazing to many, since it seemed that the band which epitomized swing in the beginning of its greater popularity had dropped oodles of rungs on the ladder to get a close-hand view of oblivion. Such does not seem to be the case, however, up here in the hills, and when things get too tough in the wide world Glen can probably find board and room in Hanover.

To a scattered bunch of jazz lovers who seem to know their stuff, but are hopelessly outnumbered, Bob Crosby is the fair-haired boy because he sticks to music that they love and the rest of us can't quite comprehend. They like his Dixieland rhythm and they like his showmanship; in fact, they go crazy over mention of his name and try hard to sell him to hot polio, but until the average Joe College develops his musical ear a bit more Crosby will probably be just swell listening in small doses to the uninitiated.

One band in particular, Red Norvo, has been climbing as devotedly in the past few months and probably owes part of it to a series of values that quiet it down at a dance, and part again to the fact that he was in Boston

(Continued on page 50)

DRASTIC REVISION OF ASCAP RATINGS EXPECTED THIS WEEK ON AVAILABILITY

Cairo Does Lambeth

Cairo, Nov. 27.

The Lambeth Walk is proving very popular and it follows the introduction of truckin' and the big apple last winter by the colored American, Willie Lewis and orchestra, from Paris.

Tunes still in overwhelming popularity are 'Bei Mir Bist du Schoen,' 'A-Tisket' and 'I'm Gonna Lock My Heart.'

Some 20 or More Firms Due for Change—Committeemen Favor Strategy to Reduce Grievances—Final Quarter Divvy to Be Set

Teagarden's Own Team

Jackson Teagarden, trombonist with Paul Whiteman and scheduled to debut his own band shortly, starts rehearsing the new crew the latter part of this week. He'll be putting the new outfit through practice paces while still hitched to Whiteman from whom he will be severed during the next month or so.

Teagarden will take several of Whiteman's men with him when he goes out. Among them will be Art Miller, bass twanger.

Most drastic shakeup in publisher ratings that the American Society of Composers, Authors and Publishers has experienced in years may come from the series of meetings that the availability committee has been holding the past two weeks. Indications are that before the Society's books close for the current quarter Dec. 19 some 20 or 30 firms will have had their availability standings altered. Two of these concerns, one with 200 points and another now holding 175 points, are due for sharp reductions.

In lending an ear to the pleas of certain firms for boosts in availability ratings the committee this time has made exhaustive studies not only of these applicants' arguments but of the catalog value to ASCAP of a slew of other publishing houses. The findings of the committee will be handed down this Friday (17).

Would Cancel Thunder

Some members of the committee are reported to favor a strategy which would penalize those firms whose alleged excessive ratings are used by dissatisfied publishers as objects of comparison. By doing away with these causes of fingerprinting the publishers bidding for point increases would be deprived of a major argument.

ASCAP board of directors is slated to hold its final meeting of 1938 tomorrow (Thursday). They are to consider the amount that is to be distributed next week as royalties for the final quarter of this year. Also a proposed pension-retirement and insurance plan for the organization's employees. The estimated plum for the quarter, as a rule the estimated sum is in excess of the actual income.

KING'S JESTERS TO EXPAND INTO BAND

King's Jesters, six-man combo, will augment to full-sized band after completing present commitments. Current at the La Salle hotel, Chicago, they move to Commodore Club, Detroit, Dec. 31, for two weeks. After that they will enlarge.

Combo figures there is nothing more for them as is. Now comprise six musicians and girl vocalist and would add another six men.

AL FELDMAN RE-TAGGED

As Val Alexander He's on MCA Orchestra List

Al Feldman, arranger, has altered his label to Val Alexander and bows shortly as a band leader under the aegis of MCA-Corp. of America. He's been organized for couple of weeks but has not officially bowed.

Ticket with MCA calls for him to get work by Jan. 30 or else ticket terminates. He was former arranger for Chick Webb and composed 'Tisket, Tasket.'

Abeles Files Brief

Julian T. Abeles, counsel for the Robbins-Metro publishing group, yesterday (Tuesday) got in under the wire of an order about handing in briefs on the \$185,000 suit against Electrical Research Products, Inc., which was tried before Federal Judge John Knox last summer. The court gave him until yesterday to file his brief which is to be exchanged between counsel for the suing group of publishers and ERPI before Judge Knox takes the case under consideration.

Action involves the payment of synchronization fees for foreign uses under an agreement which expired six years ago. In this case Abeles is appearing strictly in Metro's behalf. Before the case went to trial ERPI served notice on various film producers that if Francis Gilbert, as counsel for the suing group of publishers, got a judgment against the electric combine the producers would be held collectively liable for its payment.

Three Centuries Of Music Tabbed By WPA Project

Washington, Dec. 13.

Comprehensive bibliography, covering three centuries of music in the U. S., is on the way as a product of the Works Progress Writers' Project. Assistant WPA Administrator Ellen S. Woodward announced Saturday (10).

First portion of the work, which will start with Puritan hymn writers and wind up with swing music and Tin Pan Alley productions, will be published within a few months by the Historical Records Survey of WPA. Mrs. Woodward said. Names of 14,000 men and women connected with American musical development will be included in the publication, which will be the 'most comprehensive bibliography yet prepared on American musical life' when it is completed.

Inspection of 100,000 catalogue entries listing books, pamphlets and musical periodical articles will be required before the 4,000-page bibliography is completed. WPA professional workers have been tucked away in the Library of Congress for 2½ years, studying the project. Mrs. Woodward declared, with Dr. Luther H. Evans, director of H. R. S., and Keyes Porter, research assistant, at the helm.

Compendium will include a study of national and patriotic music, folk music, performances, musical education, instrument manufacture, musicology, music in society, compositions, music trades and musical organizations.

Lawrence Walk plays a few one-nighters when he checks out of William Penn Hotel, Pittsburgh, Jan. 1 and then goes to Chase Hotel, St. Louis, for indef. stay. Placed by Frederick Bros. He'll be succeeded at Pitts. spot by Jackie Heller, MCA-booked.

Another Bout with That Tough Guy, Payola, Scheduled by Buzzell

As the new counsel for the Professional Music Men, Inc., Samuel Jesse Buzzell is developing a plan which he believes will go a long way toward eliminating bribery and other evil practices from the business of exploiting popular music. Buzzell hopes to have his code of taboos not only adopted as part of the PMMI's by-laws, but made binding on publisher-employers through an agreement entered into between the latter and the PMMI.

In turn, the PMMI on the question of plug practices the PMMI is also changing the fundamental character of its organization. It proposes to be more than a benevolent association. The PMMI, which has 350 members, will take the attitude that it has a vested interest in keeping the exploitation end of the music industry on an ethical plane and that it is ready to back up this determination by action within its corporate setup. A by-law which Buzzell has already submitted to the PMMI's board would make dismissal from the organization any member found guilty of taking part in a briberous transaction.

It is Buzzell's idea to get the pro-

Unblushing

That the payola racket has reached unashamed proportions is evidenced by one band manager who, when told that his maestro's weekly income would be below par, advised his client over the phone.

'Call up the publishers and get a few payolas on your next week's broadcast.'

lishers to agree to drop any contact man who has violated the anti-bribery by-law. Buzzell and the members of the PMMI board feel confident that the vast majority of publishers will support the PMMI's code, which will be submitted to the PMMI membership in early January for ratification.

Buzzell also intends to revise the PMMI's constitution so that the organization can serve as a go-between in employer-employee relations, encourage greater security for jobs and introduce some control over the induction of apprentice songpluggers.

Musical Guild Calls Meeting Of Membership for Dec. 26 in N. Y.

Meeting of the full membership of the American Guild of Musical Artists to discuss relations with the concert managements and the Metropolitan Opera is scheduled for Dec. 26 at the Plaza hotel, N. Y. Solo artist membership last Sunday (11) held its second meeting of recent weeks to hear a follow-up report on negotiations with Columbia Concerts Corp. and NBC Artists Service.

Letter sent last week by Columbia to its contractual artists to explain its side of the AGMA dispute was read aloud to the meeting, analyzed and discussed at considerable length. Committee members who have been negotiating with the two concert managements answered the various

statements made in the letter and offered claims in rebuttal.

According to the AGMA spokesmen, the concert managements have steadfastly claimed they are the employees of the artists, not the employers. They also deny the bureaus have been operated at an excessive profit so that commissions charged the artists are excessive. But they have refused to permit inspection of their books, except under conditions the unions consider unacceptable.

There was laughter and applause at last Sunday's meeting when the AGMA negotiators advanced the argument that if the concert bureaus are employees as they claim, they should be willing to permit inspection of their books 'because the boss has a right to know what his employees are doing.' Upshot of the meeting was another vote of confidence in the negotiating committee.

On the Upbeat

Isham Jones, now being handled by Charlie Shribman office, starts tour of south Dec. 16.

Gray Gordon and Mike Riley 'battle' at Stanley theatre, Pittsburgh, for week starting Dec. 16.

Jimmy Lunceford stepped out of the Band Box, new New York niter, last Saturday night (10) after about two weeks. A small combo will hold forth until Dec. 27, when Gus Martell and Charles Barber bands move in.

Lunceford will start theatre and one-night tour through south and midwest.

Glyde McCoy's Sugar Blues crew replace Gary Krupp's outfit at the L. A. Palomar today (Wed.).

Jean Wald's femme band into Press Club, Erie, Pa., for four-week stay opening last Monday (12). Placed by MCA.

Buzzy Kountz has reorganized band after two-year layoff and goes into Webster Hall Hotel, Pittsburgh, Friday (16) for week-end dancing only.

Russ Morgan, Tommy Tucker and WCAE, Pittsburgh, Airliners all pencilled in for Pittsburgh Winsum Club's Xmas dance Dec. 26.

Glen Gray's Casa Loma band and Benny Goodman's crew will change places on Jan. 5, with Goodman exiting Empire Room of the Waldorf-Astoria hotel and following Casa Loma into the Paramount theatre. Gray then switches to the Waldorf.

Gray plays two weeks at the Paramount theatre starting Dec. 21. The Andrews Sisters will appear with band at the theatre.

Another Schnickelfritz band, Joe Bill's crew, is on the upbeat. Band started by William Chrisman who started Freddy Fisher's Schnickelfritzes and from same town, Minneapolis. They've been set for Chateau Terrace of Radisson hotel, Mpls., opening Dec. 15 for four weeks. George Maddock, singer and trick drummer, shares billing with leader.

Rudy Bundy plays New Year's Eve at William Penn hotel, Pittsburgh. Rudolf Friml, Jr., set at Bilt-

Inside Stuff—Music

Novel legal point was advanced by defendants' counsel last week in arguing before Federal Judge Alfred Cox for the dismissal of the suit brought by Shapiro, Bernstein & Co. in connection with the copyright renewal rights to 'Come Josephine in My Flying Machine.' The battery of counsel representing Al Bryan and Fred Fisher, the writers of 'Josephine,' and Famous Music Corp., which got the renewal rights from the latter twosome; held that S-B had no authority under the law to renew the tune's copyright because it was not the original copyright proprietor.

Defendant lawyers pointed out that the original copyright had been taken up by the late Maurice Shapiro who owned the predecessor firm Shapiro, Bernstein & Co., and, according to their interpretation of section 23 of the copyright law, nobody but his (Shapiro's) family is entitled to file a renewal or bring any litigation over such renewal rights. The case makes the first in which an issue of this sort has been raised.

Shapiro-Bernstein bases its action on the claim that the work had been published while Bryan and Fisher were under employment to the late Maurice Shapiro. The writers' counsel now take the position that even if the former were the copyright proprietor, any assignment made of his rights is not valid. In answering this argument Shapiro-Bernstein counsel pooh-poohed the interpretation as having no basis in law, adding that the original proprietor had in no way been prevented by the amended copyright law of 1909 from assigning his renewal rights to any person or firm he elected.

Likely object of another suit by Shapiro-Bernstein is Paramount Pictures, with this cause this time involving alleged infringements of 'On Brave Old Army Team' and 'The Official West Point March' in the film, 'Touchdown Army.' The publishing house last week wrote Paramount demanding that it stop showing the picture and also give an accounting of the profits to date.

Shapiro claims that Paramount interpolated paraphrases of the two military compositions in the picture after the publishing firm had on application advised the producer that its fee for the marches would be \$500 per use. The publisher now contends that there are six such unauthorized uses in the picture.

Jack Robbins is now personally directing the activities of the Feist firm, whereas the Robbins Music Co. is being mastered by Abe Olman, an arm. Willie Horowitz continues in charge of Miller Music, the third of the Metro-Robbins group of publishers. Villa Moret distributing deal starts in February.

Robbins is consolidating all bookkeeping departments of publishing firms at the headquarters of parent company. Miller Music will be moved into Feist's present spacious quarters. This means Miller's present quarters in the RKO Bldg., a heritage from the Sherman-Clay merger, will be sublet, as the lease runs another year and a half. Fred Smith will direct all three bookkeeping and production departments from the central source.

Harry Link deal has been revived. Present professional head of Berlin's has a bid to become general manager of Feist, with a share in the percentage of the profits of all three Metro-Robbins firms. He also has a participating interest with Berlin, Inc., which has been the major hurdle to any deal.

Henry Nemo, whose latest published number is 'Blame It on My Last Affair' (Gills), has been admitted to membership in the American Society of Composers, Authors and Publishers, or within a year of submitting his first tune for publication. ASCAP entry requirement is five published works.

more hotel, Dayton same night. Both for CRA.

Count Basie has upped his brass section to seven pieces with the addition of trumpet man 'Shad' Collins. Collins was with Don Redman among others.

College Rhythm

(Continued from page 49)

when 'the boys' trooped there for the Harvard game. Perhaps the other features of the band which Dartmouth likes are the xylophone and, of course, Mildred Bailey. Some, on the other hand, can't quite figure out what's left after a few shots at that xylophone and a good peak at Mildred. While discussing the Boston influence, a lot of Chick Webb's standing here last spring was due to the fact that he spent the winter at the Flamingo Room and that Boston is about the nearest oasis of any sort to Hanover.

Sweet Stuff

Getting over into the field of plain, common, ordinary, sweet music, the college boy finds there a large number of his favorites. As pointed out before, this is probably because the general run of people either can't or won't hop all over the greensward to hot music, but rather like to dance sweet and slow with Mazie on that one day a month when they get out of this New Hampshire wilderness. Last year Hal Kemp was still managing to hang onto the collegiate popularity that he'd built in years past with novel arrangements, triple-tongue stuff and so on, but his days seem to be numbered at present. Horace Heidt perhaps is too far away to get all the recognition that he might, but his general style and the fullness of his music make him a leader.

Lombardo remains in the running despite his always sounding the same and despite his music being sickly sweet to many. The main idea seems to be that you at least know what you're in for when you go to Lombardo, and there could be many a worse evening spent. Sammy Kaye remains about where he was while other bands climb up and down. Shep Fields had his moments for a while and is now on the way down mainly because he didn't seem to have much more to offer than ripples which soon grew tiresome. Eddy Duchin, after staying around half up and half down for quite a spell, is having a small rennaissance. Eddy probably owes it all to Patricia Norman and 'Old Man Mose,' who amused us and then plagued us for a whole summer, with 99 out of 100 still betting their bottom dollar that virtue had fled. Kay Kyser is liked more for his sense than for his music, which is good enough at that. Johnny Long put in an appearance here two years ago with Goodman and was well received—he's still liked, but it's hard to find him.

Rather than go on naming names, it might be well to stop here. It appears that the bands holding the most favor are still those which forget their art and sell the show. Swing will probably continue to grow in popularity as listeners get more attuned to it, can distinguish between the good and the bad, can be spared the corny swing-definitions and other cruddy tribe of a false nature. But until the day arrives when practically everyone can tell at home to what music, the bands which play a sweet-down a bit for the more sophisticated audience, those which play a sweet variety of swing will most likely be the tops. On the other hand, the plain sweet-music makers had better look to their laurels and give a little more in the way of variety which will at the same time not become tiresome in a hurry.

The middle of the road between sweet and hot appears in Hanover as about the safest place to tread.

(Next Week: Northwestern)

SONG HITS OF THE SEASON

LAMBETH WALK

THE COUNTRY'S BIGGEST DANCE SENSATION

NOVELTY BALLAD

I HAVEN'T CHANGED A THING

WATCH OUT FOR BLAME IT ON MY LAST AFFAIR

Have you heard Morton Gould's

PAVANNE

New Cotton Club Hits

I'M MADLY IN LOVE WITH YOU

AND

MISS HALLELUJAH BROWN

By Benny Davis and J. Fred Coots

Chicago Opera Season Floppo; Deficit Grows

Chicago, Dec. 13.

Chicago City Opera season, now in its last two weeks, indicates that it will wind up with a considerable deficit to add to the \$50,000 item already on the wrong side of the books. Prior to season's get-away it had been expected that 1938 would see an increase of 10% in attendance and coin for the Opera, but results have been far under expectations.

To make up deficit and to ensure continuation of Opera next season, the sponsors are asking that the general public contribute to the cause.

Have flooded the town with blanks and are asking for subscriptions of one buck and up. These subscriptions are not guarantees or promises and may be withdrawn at any date by the subscribers.

Hazel Scott, now in the New York musical, 'Sing Out the News,' debuts a new band with herself at the keyboard, Dec. 23. Crew will share billing with the Lucky Millinder orch. at the State-Palace, in Harlem.

SONGS FROM ROBBINS

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MY REVERIE

By Larry Clinton

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20th Century-Fox Picture, "Thanks for Everything"

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MY OWN

By Jimmy McHugh and Harold Adamson

The Newest Ballad Song Smash!

AFTER LOOKING AT YOU

By Al Hoffman, Al Goodhart and Manny Kurtz

The Year's Greatest Novelty Hit!

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UMBRELLA MAN

The top ballad of the season!

DEEP IN A DREAM

Watch these two numbers—they're up on top soon!

I WON'T GO HOME

and

WAIT UNTIL MY HEART FINDS OUT

And that new novelty favorite!

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WHIRLING DERVISH

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OLD SONG SUGGESTIONS
FOR YOUR PROGRAMS
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ON THE SUNNY SIDE OF THE STREET
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Miami Perking Up for New Season; Cafes and Hotels All Set to Go

Miami, Dec. 13. This resort is awakening from summer doldrums in anticipation of the seasonal influx of snow dodgers. What the eventual finale will be is still open. Gambling, as usual, is questionable. Horse and dog tracks alone are legalized pari-mutuel propositions.

The Hollywood dog track is already open and the bangtails start galloping at Tropical Park soon. Outstanding feature of the early winter season is the Orange Bowl game. This year's unbeaten Tennessee will meet unbeaten Oklahoma January 2. Tropical Park will hold its races on the morning of this day to build up the b.o. at the game.

The entire complexion of Miami Beach has changed. Washington avenue, the town's main drag, has extended itself two blocks further north. The Cameo theatre, independently operated, opened recently playing double features and imports. Jack (Hickory House) Goldman is reading his Miami Beach Hickory House. Harrie Levine has reopened his Riptide club, with partners Billy Cook and Steve Folsom.

A new twist this year will be the opening of the Coral Gables Coliseum as an ice palace. Profech hockey teams will play and public skating will obtain three nights a week.

Bruno Trefl, who last year operated the Town Casino, has the spot again this year.

Tom Williams, veteran local niter op; whose Club Bagdad folded during the summer, is dickering to bring in a sepiu revue. Chances appear very doubtful as city officials are very strict on colored productions.

However, the Browne Club in Ft. Lauderdale (over the county line) has been featuring colored entertainment.

The Joins

Chick Endor and Charlie Farrell are reading their Ft. Lauderdale Coral Club. Boys did oke last season and with their following, appear to be set for another successful semester.

Mother Kelly's, refurbished, ticking along with a new stage and entertainment. Show unpretentious but for this type spot will do well.

Harry Propper, formerly of the Mayfair, Cleveland, has taken charge of Lew Stark's Empire. Spot operates on a 24-hour basis with bar and food. No show.

Don Lanning, local fave, inaugurates his Sunday cocktail parties this week. Spot has been open all summer with Don and Roberta Sherwood featured in the show.

The Five O'clock club recently reopened with Howard Lally and his orch, Lady Vine and Peggy Tucker as vocalists.

Roney-Plaza hotel hasn't as yet opened but will be by Xmas. Ed Joufret, as usual, at the helm, with George McDonald succeeding the Doherty regime.

Continental last season's surprise package, is slated to reopen the 15th. Same management and policy.

Wometco, Inc. (local theatre chain) has taken over the 7th Ave. and renamed it the Strand. Acquisition of this house gives chain a total of 13.

The Parkway, an independent nite house, opened on Coral Way.

Harry Richman and bride (Hazel Forbes) have been down to open their home on West avenue. Richman will, in all probability, again be at the swank Royal Palm club which reopened recently. Spot still has summer show, however.

The Dempsey Hotel reopened, this year under new management, but bar and grill still shuttered.

First social function of the season: opening of the Miami Symphony, under direction of Arnold Volpe. Mischa Elman guest artist.

Fan and Bill's premed.

All hosteling renovating in anticipation of good season with Chamber of Commerce reporting quadruple last season's inquiries.

Milton Chapman remains major domo at Miami-Biltmore. Official opening slated for Jan. 1, with Sunday pool exhibits preeming Dec. 18.

Sacks in Hospital

Manis Sacks, head of the act department of Mike Corp. of Miami, entered a Philadelphia hospital yesterday (Tuesday) for observation and rest.

He had been warned by physicians that he was verging on a breakdown from overwork.

'BOYS TOWN' QUILTS

Disappointing Business Causes
Troupe to Fold in Chi

Chicago, Dec. 13. 'Boys Town' unit, composed of youngsters of Father Flanagan's Boys Town community in Nebraska, folded here Thursday (8) after its week at the RKO Palace. Troupe returned home.

Unit quit due to disappointing business and contracts for future dates on RKO, Warner and other vaude circuits, were cancelled.

Band Show for 'Boys Town'

Pittsburgh, Dec. 13. Fold of 'Boys Town' unit has cancelled the show out of the Stanley for Friday (16) and will be replaced by a 'Battle of Music'. Bands booked are those of Gray Gordon, who played roadhouse job here at Penn several weeks ago, and Mike Riley.

Xmas week presentation opening Dec. 25 will be headlined by Ken Murray, with Borrah Mineyevich's harmonica gang being one of four acts surrounding him. New Year's brings Bob Crosby's band, last booking set so far for town's only regular fish site.

Barnes Show Asks

AFA Suit Exit; Court
Power Questioned

First skirmish in Ringling Bros.-Barnum & Bailey litigation with the American Federation of Actors wherein union asks for injunction, was heard Friday (9) in Federal district court, New York. Barnes division of Ringling shows has moved for dismissal of suit on grounds it did not conduct business in N. Y. and therefore court had no jurisdiction. Decision was reserved.

Two shows were named in AFA suit, which seeks to restrain either from operating under any but AFA conditions, for which contract is said to have been issued by AFA. AFA charges breach of that contract.

Suit was started in October after the circus season had closed. Ringling show had closed early in the summer after a battle with the union, declaring it could not operate under its conditions. Barnes show also closed earlier than usual after poor business. Joint union pressure had been brought on both shows.

Ralph Whitehead, of AFA, and Ringlings started discussions yesterday (Tuesday) in New York, aiming at peaceful settlement.

JESSEL GETTING 150G MORE TO OPEN AT FAIR

George Jessel expects to raise an additional \$150,000 by the end of this week to open his 'Old New York' village at the New York World's Fair April 30. Messmore-Damon, outdoor spec builders, have the plans set for the replica of Steve Brodie jumping from a miniature Brooklyn bridge, Chuck Connors' saloon, Hitchcock's beef and beans, Corbett, Sharkey, John L. Sullivan, Canfield's and P. T. Barnum sideshows and a miniature of the old Haymarket.

'Old New York' covers two and a half acres. Messmore Kendall (not to be confused with Messmore-Damon outfit) invested \$50,000. Other showmen and financiers are in with Jessel. John D. Hertz's Lehman Bros. bank is expected to put up the \$150,000 balance. Some \$160,000 is already set.

VARIETY

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Night Clubs Hit Hard by Wholesale Cleanup of 'Atlanta's Playground'

Henie Ice Show Does

\$60,000 in Montreal

Montreal, Dec. 13. Sonja Henie, with her Hollywood Ice Revue, sold out 8,000 seats including three rows of chairs on the ice, at the Forum here Friday (9), Saturday (10), and Monday (12) at \$1.25-2.25-3.40, including tax, for a gross of \$50,000.

Miss Henie went to Quebec for rest after show ended here.

RKO BACK TO VAUDE IN HUB

RKO theatre, Boston, will begin a five-day vaude return Christmas Day, New Year's weekend vaude will drop to four days and thereafter three-day weekend show will prevail.

Bill Howard, booker, has set Lilian Carmen, Harris and Howell, Emmett Oldfield, Six Grays, Maizie and Roper and Hank Ladd for opener. Latter will m.c.

Pittsburgh, Dec. 13. After more than two years of pictures only, the Alvin, Harris company's downtown spot, will return to flesh Dec. 30 for at least one week with show built around Jane Withers. Picture will be 'Blondie' (Col). Management says it's just a temporary break in regular policy to cash in on New Year's holiday trade.

Alvin originally opened under Harris banner more than four years ago as a presentation house, but dropped acts about 18 months later for straight films. Couple of weeks back, chain launched second downtown site, Senator, with personal of John Botes and understanding that flesh would be used only occasionally.

Deal with musicians union there called for \$15 weekly a man over regular scale if house didn't play at least 25 weeks of shows during year, but obviously contract was a blanket one with HARRIS permitting them to plant flesh in either Alvin or Senator so long as time was consumed.

Regular house band at Senator, headed by Jerry Mayhall, will move to the Alvin for the Withers engagement. Several additional acts are to surround the film moppet.

Earle, Philly, Dates 'Em; Not Shuttering

Philadelphia, Dec. 13. With the musician trouble settled and a new termier inked, Earle theatre, which had made no bookings after Dec. 1 in prospect of shuttering, has laid out an ambitious lineup.

Tentatively set are: Benny Davis revue, Dec. 16; Phil Spitalny, Dec. 23; Eleanor Whitney and revue, Dec. 30; Bob Crosby, Jan. 6; Hal Kemp, Jan. 20; Tommy Dorsey, Jan. 27; Benny Goodman, Feb. 3; Artie Shaw, Feb. 10; Ted Weems, Feb. 17, and Kay Kyser, March 1.

Jonesboro, Ga., Dec. 13.

Wholesale cleanup in Clayton county, known as Atlanta's 'Playground,' hit the niteries hard. Investigated by Solicitor General Roy Leathers, assisted by bucolic citizenry. Prosecutor Leathers started by getting Sheriff E. L. Adamson removed from office.

Trials were speedy and Judge James D. Davis, of Stone Mountain superior court, dished out stiff fines and sentences. By Saturday (10), following cases had been settled:

Mrs. Jean Cobb, of Rose Garden Court, \$1,000 fine and 12-month suspended chain gang sentence for operating slot machines; Roy Elliott, Blue Plate Tavern, \$50 fine and 12 months' suspended sentence for illegal liquor possession, slot machines and Sunday beer sales; Roy Stegall, Log Cabin Inn, \$300 fine and 12-months suspended for slot machines; Mrs. Mae Griffith and Eddie Jones, Club Lido, \$150 fine each and 12-months suspended sentence for slot machines; Roy Allen, Spring Lake Club, \$125 fine and nine months suspended sentence for lottery and slot machines; Nick Nichols, Villa Venice, \$50 fine and 12 months suspended sentence; William Carter, Log Cabin Inn, fined for illegal liquor possession.

Trial of R. R. Griffin, Cotton Inn, charged with slot machine operation, was stalemate, jury being unable to agree after 25 hours. Pee-Wee Burns and Claud Kugler, indicted with Griffin on gaming charges at Log Cabin, failed to answer when their cases were called and bench warrants were issued for their arrests.

Bonds of \$1,000 each were ordered forfeited by Paul Johnson, of Silver Slipper, and Wade Turnipseed, of Club Savoy, when they failed to appear and new bonds were set at \$2,000. Cases against J. P. Thompson, of Twin Pines Club, and William Thompson, of Poplar Roadhouse, were continued because of illness of defendants.

St. Louis, Dec. 13.

Even though sheriff-elect Walter R. Wittman and state attorney-elect R. W. Griffith of Madison County, Ill., across the Mississippi from here, will not take office until Jan. 5, operators of gambling houses are already shuttering here. The sheriff, states attorney and Mayor Robert Dron, of Madison, Ill., all elected on anti-gambling platforms, have promised to clear the county of all gambling.

The Hyde Park Club, Venice, which has been operating since 1910, shuttered this week. The 323 Club, Madison, a niter-casino, has been padlocked and there's little likelihood that Harry Murdock will reopen his Mounting Country Club, another niter-casino. Mayor Dron has already fired Chief of Police Raymond Backman and three other cops and promises more heads will fall unless every form of gambling is stopped.

Philadelphia, Dec. 13.

Ritz-Carlton hotel has closed its Merry-Go-Round Room after it was open four weeks.

Spot was lighted weekends in a deal with Johnny Creighton, batsman.

Sunday in Philly Drives

Hoover to Try Suicide

Philadelphia, Dec. 13. Philly on a Sunday was just too much for Louise Carr, 24, niter chirper and hooper. She attempted suicide by poison in her hotel room Sunday (11), but then changed her mind. She screamed for help. A bellboy called police, who took her to a hospital. Physicians said she will recover.

Questioned by detectives, Miss Carr said she had been despondent. 'You know Philadelphia on a Sunday,' she said. 'Well, I just couldn't stand it.'

Miss Carr arrived in Philadelphia from Boston several weeks ago and was booked to start work at the Club 15 last night (Monday).

BOWERS DUE FROM LONDON

'Cookie' Bowers, vaudeville mimic, who has been in England for about a year, is due in New York from London this week.

Masterson Named to Act for BAA On All Labor Problems in Move To Rehabilitate New York Burlesque

What looks like the first concentrated effort towards the rehabilitation of burlesque in New York occurred last week. John Masterson, Brooklyn attorney, who's been heading the censorship committee set up last year to control burlesque shows, was designated by five of the city's seven burley theatre operators to represent them in all labor disputes and in negotiating contracts.

Masterson immediately urged the operators to align themselves with the **Brother Artists Association**, which has jurisdiction over the burley field. That was expected to be done yesterday (Tuesday) at a confab between the operators and Tom Phillips, prez of the BAA, formerly the Burlesque Artists Association, the name being changed last week.

Of the five stock houses operating in the city only one, the recently reopened Gaiety on Broadway, has been signed by the BAA. Three others, the Eltinge, Star, and People's, while unsigned, were abiding by BAA rules under a tentative agreement until they reached the signing point. Only one to remain outside the fold was the Republic, which demanded concessions BAA refused to grant.

Masterson's confab with the managers was followed by a meeting

Friday (9), attended by Masterson, Tom Phillips, a member of Mayor LaGuardia's Labor board, and the mayor at City Hall, at which the change in the union's name was okayed. The switch had been suggested since the name was figured incongruous in view of the ban on the burlesque tag in New York.

Mayor's Stand

The mayor stated that he would tolerate no more jurisdictional battles as in the past between the BAA and the American Federation of Actors. He was shown a letter from the Associated Actors and Artists of America, the parent union, stating BAA had sole control over the field, and which also contained the sanction for the shift in names.

Before his appointment as labor go-between, Masterson last week settled a dispute between the managers and Local 802 of the American Federation of Musicians. This argument was over the union's demand for that the six-day week rule be put in effect and had been on for several weeks, winding up in an ultimatum to the managers from 802 to settle before Thursday (8) or be prepared for a strike. It was settled by agreement to stagger the work days of the musicians.

Another point, when settled, eliminated Izzy Hirst's two roadshow houses, Triboro, in Harlem, and Werba's, in Brooklyn, from the New York scene, and will keep Hirst's roadshows out of New York. It was decided that the committee could exercise little control over Hirst's units, and it was thought best to keep them out entirely. This will be done by not renewing the permits of the two theatres when they expire.

Wheels Go Stock

When reached for an opinion on the ruling eliminating Hirst wheel shows from New York, Harry Palmer, who operates the Triboro and Werba's in conjunction with Hirst, stated that both houses probably would go stock.

It was his intention anyhow, he said, to turn them into stock stands, regardless of such a ruling.

With New York contract disputes out of the way, the BAA will go ahead with plans for a vaudeville benefit, with the help of the Theatre Authority, to be held probably at the Manhattan Center, N. Y., to obtain funds to underwrite further reorganizational work on the road. Shindig will be calendared some time after the first of the year.

Rose Marie Cancelled In New York as a 'Minor'

Rose Marie was cancelled at Loew's State, New York, starting Dec. 15, when booker Sidney Piermont discovered child singer was under 16. He's said to have feared action by children's societies.

Recent run-in with Gerry Society over Solomon Gedeon, Negro minor, who's appearing with Cab Calloway's band, current at the State, caused house to cancel Rose Marie.

TOLES TOPS BARLUND ON HIPPODROME CARD

By JACK PULASKI

The Hippodrome resumed boxing last Friday (9), Jai Alai still being the principal attraction but limited to five nights weekly. Roscoe Toles, another Negro smacker-downer from Detroit, easily won over Gunnar Barlund, much-defeated Finn in 10 rounds. But this event did not warrant the capacity draw, aided by the poor top of \$3.50.

The rugged Barlund is not allergic to punches on the chin, proving that at least. Toles got into the metropolitan fight picture because Jimmy Adamick could not take it. Roscoe sent him to the hospital some weeks ago, thereby blasting Jack Kearns' hope of handling another top-line heavyweight. That probably is the real reason why the customers thronged the old Hipp.

During the encounter Barlund took it on the chin plenty. His right eye was damaged and that brought the referee's horn often during intermissions for medical attention. Neither fighter was knocked down, but both hit the deck once, Gunnar being pushed down and Toles slipping. He was favored two to one, just another mistake by the bookies. Primo Flores, a Port Rican lightweight, impressed more as a socker than did the highly touted Toles. He knocked out a lad named Johnny Bonito in the second round, his 12th win in that fashion.

Two former champs centered interest at a meeting of the boxing writers association of New York, which gathered at Jack Dempsey's Eighth Avenue address last Thursday (8) principally to decide who is to receive the first annual Edward Neal medal commemorating the Associated Press war correspondent who was killed in Spain and who was formerly a sports writer. It was he who called the 11th round when Max Baer won the major title by belting out Max Schmeling.

Dempsey got the medal as the man who during the past year did more for boxing than any individual, despite the fact that he has been out of the ring for some time. Gene Tunney, wizard of the long count, was also on hand and complimented the writers by quoting the opinion of William Lyon Phelps, who turns to the sports page first. Tunney said that the professor prefers reading of achievements, as detailed in the sporting section, before learning of death and destruction usually carried on the first pages.

Tunney espoused the brand of gin, having been connected with liquor interests for some time. Dempsey introduced a brand of whiskey, so the two big money fighters were even on that score. Each had something to say about Lou Nova's meeting with Tommy Farr Friday (10) at Madison Square Garden, but the importance of that affair was not apparent. Nova, from the Coast, was present, wearing a black left eye, indicating he prefers stopping left hooks that way rather than taking it on the ear.

James P. Dawson of the New York Times, was elected president of the boxing group and was promptly rewarded by Dempsey with a 'hot foot,' the ex-champ's favorite indoor sport.

Gypsy Rose Censored

Indianapolis, Dec. 13.

Gypsy Rose Lee, playing the Indiana with her unit, Hollywood to Broadway, was forced to delete her strip-tease satire last week when the vice squad acted on protest filed by a member of the church federation. Gendarmes objected to lyrics sung by Miss Lee. Number was put back in show closing day (8).

ED SMITH SINGLES

Ed Smith, formerly Leddy & Smith, one prominent in vaude acting, has returned to New York and will open his own office.

Team broke up recently and Smith went to the Coast, where he sought to get into the film end. Mark Leddy continued in New York, where he's still operating.

TA Seeks to Curtail Benefits Played Free by Nick Kenny; 'Hits Paid Jobs'

Theatre Authority will take steps this week to curtail benefits played by Nick Kenny, radio editor of the New York Daily Mirror. TA claims he's taking work away from actors by appearing gratis with his own crew at benefits which heretofore have been paid shows. TA will ask affiliated talent unions to refuse permission for their talent showing at benefits in which Kenny appears. TA controls all benefits.

Sister Tharpe and Dynamite

• 15 YEARS AGO • (From VARIETY and Clipper)

Paul Whiteman's orchestra slated for the first concert in the history of jazz, to be given at New York's Aeolian Hall.

President Coolidge's proposal that the admission tax be repealed is seen resulting in a bill to control admission prices for all forms of amusements.

Binghamton, N. Y., scribes assailed the city's public tastes. Burlesque fared better than all other forms of entertainment.

Representative Sol Bloom urged a bill to protect American composers, playwrights and productions abroad through membership in the International Copyright Union. Millions lost abroad through pirating, Bloom said.

Huston Ray, a pianist, sued Vincent Lopez for \$20,000 in infringement of a 'vaudeville mechanical effect' that Ray says he originated.

Jan Rubini arrived with wife and children. A British subject, he's so thoroughly disgusted with British show biz that he's applying for American citizenship.

Testimonial performance given in Philadelphia for Jacob Adler on his 50th anniversary in the Yiddish theatre.

Jolson and Cantor booked to compete against each other Xmas week in Pittsburgh. Former in 'Bombo,' latter in 'Kid Boots.'

Brokers shying from big buys for Gotham's New Year's eve shows.

Duse continued her sensational tour of America, chalking up \$22,000 for two performances in Boston, city record for that number of shows.

Deal set for signing among Rudolph Valentino, Famous Players-Lasky and Ritz-Carlton Pictures, Inc., to perfect future production plans for the star.

National distribut affiliated with Hays organization discussing plan for centralized distribution, which its champions say would furnish solution to high cost of releasing.

Legit shows throughout the country topping off at the b. o. The usual Xmas lull.

Hooker will have charges preferred against them at the American Federation of Actors for appearing at a benefit featuring Kenny Saturday night (10) after the show had been nixed by TA. Benefit at the Pierre hotel, N. Y., on same night was also turned down by TA when it was refused 15% of the proceeds, which is required for TA sanction.

Kenny states there's no friction between him and the TA. He'll not ask permission, however, of the TA, playing whatever benefits he thinks worthy, he says. Since his group is comprised of 'amateurs,' they are not under the TA jurisdiction, and hence have no dealings with regular theatricals.

Chi Point for TA

Chicago, Dec. 13.

The Theatre Authority in Chicago, backed by performer organizations, has secured recognition in its fight to control benefit shows in this territory. The Herald-Examiner, which originally considered bucking TA on the daily's swing benefit show, has arranged with TA to use performers coming within the latter's jurisdiction.

Deal has been worked out between TA and Barnet Hodes, representing the Mayor's Christmas Fund Party to be held in the Chicago Stadium Dec. 21, for the use of TA performers. Arrangement involves members of AFA, AGMA, AFRA and SAG. Theatre Authority will get 10% of gross figured at \$1 per seat. Stadium holds 15,000. Max Halperin, local Theatre Authority, did the huddling with Hodes.

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Rose Denies Casa Vaudeville Bluff; Continues Nitery, New Union Deal

Denying he was playing checkers or bluffing, and realizing that he's in the doghouse with the press, which suspects he used the public prints to further his cause, Billy Rose states that only through a deal among his attorney, Arthur Garfield Hays, attorney for Walters Union, Local 16, Congressman Vito Marcantonio, and the Cook, Pastryman and Assistants Union's attorney, Louis Bodine, will he be allowed to remain open at the Casa Manana. An agreement has been worked out wherein Rose can get 48 hours' action as, if and when a tiff with the catering help arises.

The barristers are making no arrangements for wage increases now, but plan a tilt May 1, depending on what the other, nearby spots of comparable caliber—International Casino, Hollywood and Paradise—do to increase wages.

Accordingly, the Casa, instead of folding Saturday (17), as intended, will hold its present show over until Xmas night—an extra eight days. That gives the current bill a new record high run of seven weeks, plus a day. Helen Morgan, Benny Fields and Lou Holtz will continue next week; a couple of other acts will have to be replaced due to prior commitments. Abbott and Costello and the Minevitch Rascals will be two such turns to be replaced next week.

The new Casa Manana show—without switching to the straight two-day vaudeville idea, as Rose threatened—will open Dec. 26. This is due to the fact that Rose's new Gotham spot, the Diamond Horseshoe will premiere Xmas night.

Rose insists he was prepared to put theatre chairs back into the Casa Manana—see the Earl Carroll theatre—and essay straight vaudeville. (It's since been reported Rose's lease with the Blumenthal-Shapiro interests forbids that possibility, although the Casa entrepreneur states he had the right to go into a straight stage show policy, sans food).

Carol Bruce and Paul Haakon will be in the new show. Jack Pearl is a possibility. Pritchard and Lord have been set back to the show thereafter. Jane Pickens can't make it due to opening Dec. 22 at Loew's State, N. Y.

Mitzi Green Into Philly Cafe, 1st Date Since Illness

First engagement for Mitzi Green since she was ill will be at the Walton Roof, Philadelphia, opening Dec. 22. Stroud Twins, Chilton and Thomas, Raul and Eva Reyes, a line of 16 girls, and Jeno Donath, who maestro's the Fox, Philadelphia orchestra will be the support.

Marjorie Fielding staging, Joe Lewis today (Wednesday), with a nine-week stretch behind him, winds up the longest stay yet registered at Jack Lynch's Walton Roof. He will leave at once for Hot Springs for a rest before opening at the Hi Hat Club, Chicago, Xmas Day. Goes to Florida later.

AVERT STRIKE IN 4 PHILLY SPOTS

Philadelphia, Dec. 13.

Strike of entertainers in four niteries here was threatened for last night (Monday) by Tom Kelly, biz agent of the American Federation of Actors local, but it failed to materialize after a verbal battle Sunday (11) between Kelly and Florence Bernard, prez of the Entertainment Managers Association, at a confab of nitery owners.

Places threatened with walkout unless they signed closed-shop agreements were Frankie Palumbo's, Cadillac Tavern, Stamp's and Kaliner's, and the Little Rathskeller. Although all claim to use AFA acts exclusively and pay more than the minimums, they refused to sign with Kelly until they conferred with Ralph Whitehead, AFA exec-secretary. They claim Kelly is exceeding his authority, being dictatorial and discriminatory while he ignores larger and more important spots.

When Kelly attended a NCOA meeting at the Walton hotel Sunday (11), he exploded when he found Miss Bernard there. She had a member of the Musicians Union with her to prove that Kelly couldn't, as he threatened, force contracted tooters from a spot if the AFA called a strike.

The Millenium

Joseph Weinstock, operator of the Republic, who bitterly fought N. Y. License Commissioner Paul Moss' cleanup of burlesque last spring, openly made his peace with the Commissioner last week (9) at meeting of New York theatre owners, which Moss attended.

'Commissioner Moss was 100% justified in what he did. He gave us warnings. He wanted to help us, but we did not want to do the right thing. There was nothing else for the Commissioner to do,' stated Weinstock before 200 theatre operators.

PHILLY CAFE'S SERVICE HELP WIN PAY BOOSTS

Philadelphia, Dec. 13.

Wage boosts of 15 to 18% to a majority of employees at the Hotel Adelphi's Cafe Marguery were incorporated in a new contract inked last week. Help recently walked out of the dining room while it was crowded but one-day strike was settled pending new agreement.

Turner gives waiters, cooks and bartenders 54-hour maximum week, closed shop, seniority, paid vacations, arbitration and weekly pay-days, instead of semi-monthly. Effective until Oct. 1, 1940.

Fischer's Paris Sailing Off; Flippen M.C. at Int'l

Clifford C. Fischer will probably not sail for Paris this week, as originally scheduled. He's refurbishing the new show for the International Casino, N. Y., for Xmas day premiere.

Jay C. Flippen will m.c. the show, which will be switched primarily in its talent personnel.

Compromise Reached In Philly on Pact Breach

Philadelphia, Dec. 13.

Jay Raymond, nitery agent, was pinched last week on a warrant sworn to by Clark and Curtis, comedy hand-balancing act, charging him with breach of contract. Case was continued by Magistrate Elias Myers until Saturday (17) after a compromise in which Raymond got another job for the act.

Trouble started when Wynn Fisher, operator of the Viking Cafe, claims he hired Rodney and Gould, a similar act, through Raymond, and got Clark and Curtis instead. He maintains that he learned of the switch at the end of the first night and was dissatisfied with the team sent him, so fired it. He offered to pay them the club fee of \$14, which they said they would only accept under written protest in lieu of their week's salary of \$80. Fisher refused and they took nothing.

Act then demanded the week's salary from Raymond, charging that it was his fault they were fired. Tom Kelly, biz agent of the AFA local, appeared at the hearing as a character witness for Raymond.

Frances McCoy Fails To Get Taps Suit Thrown Out

Suit brought by Taps, Inc., against Frances McCoy, singer, for \$15,000 for breach of contract in County Court, Bronx, N. Y., was granted permission to continue Saturday (10). Defendants had moved that case be dismissed on same grounds that Municipal Court, N. Y., ruled upon Oct. 16 when it was declared that Taps was operating without license and thus could not bring action.

Breach of contract suit is separate action from first litigation in Muny Court which asked \$241 for services rendered. Latter is also being appealed in lower court.

Taps contends that his contract with singer was breached when girl left for Chicago to work for Sligh & Tyrell agency.

Club-Date Bookers Classified As Employers, Requiring State 3% Tax

Cleve. Hotel Cafe Back To Names; Hartmans Set

Cleveland, Dec. 13.

Terrace Room of Statler hotel here is going back to name acts for floor shows after an economy sked that wasn't so profitable. Following Harris and Shore, and Caperton and Columbus, the Hartmans open today (13).

Gene Hamilton's orchestra opening today, too. Monday preems conflicted so much with legit theatres' curtain raisings that Statler is shifting to Tuesday openings.

Unemployment Insurance Bureau of New York, a State unit, is preparing a list of 1,000 agents and bookers throughout the State, to be used as a guide to differentiate between talent employers and agents. Those who would escape the agent classification, and subsequent licensing, must accept the other status.

State wants to collect its 3% salary tax from employers and has already ruled that club-date bookers are in the employer category. Apollo Entertainment Bureau, New York, is the first club-date booker to be so designated. Many club-daters, seeking to evade the tax, are becoming licensed as agents.

E. A. Baumgarten, Unemployment Insurance rep in N. Y., is conducting the survey. Protest from Apollo has already been filed with him but no disposition has yet been made. It's likely that once taxed by the State group, agents will then be surveyed by Social Security as employers. It may mean that those with agent licenses may be also forced to comply with the state employer setup as club-date bookers.

Majority of club-daters are seeking agent licenses since they claim that difference between what they collect and their payroll constitutes a commission, which makes them agents.

AFA, THEATRE EXECS IN CONFAB ON N.Y. PACT

Reps of chain theatres and Broadway vaudeville met with Harry Kalkins and Charles Mosconi, of the American Federation of Actors, Thursday (8) in New York, to discuss union's demands on vaudeville houses. AFA wants a minimum of \$80 for principals but is uncertain on a chorus minimum. Forty dollars has been mentioned. Also wants closed shop and rehearsal concessions. AFA would grant individual agreements to theatres, recognizing varying conditions.

Those attending meeting were Jack Parlington and Irving Lesser for RKO and Fanchon & Marco; Major Leslie Thompson, RKO; Bob Weisman, Paramount theatre; Frank Phelps, Warner Bros.; Al. Reade, Fabian Theatres and Charles Moscovitz, Loew. No decision reached but one is expected in about a fortnight.

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Following a Record-Breaking Engagement of TWENTY-ONE WEEKS at Shea's Buffalo, Buffalo, New York

AL GROSSMAN • 2418 RKO Building • New York

New Acts

JANE PICKENS

Songs
11 Mins.
Jack Lynch's, Philly

Long familiar in films, vaude, musicals and radio as a member of a sister act, Jane Pickens is now solo. Nifty ash-blonded looker is tops on class and personality. Pipes are swell, with clarity, range and flexibility. Has two principal weaknesses, however, both of which can be easily overcome. First is sheer unfamiliarity with work as the swing-and-overflow parlor. Accustomed to getting pretty much undivided audience attention in other types of places, she becomes slightly upset at waiters moving, dishes rattling, patrons eating and drinking, and most of all, slightly stewed hecklers. Time and experience will undoubtedly take care of that.

Second defect is weak choice of numbers. While those she did might be ok for a quiet spot, snapper ones are needed in a big joint like Lynch's. Starts with 'Must've Been Beautiful Baby,' good; then into 'Gypsy Makes His Violin Cry,' n.s.h. for here. Finishes off the turn with an imitation of a diva in an outdoor summer concert, twanging at mosquitos as well as high notes. Failed to mesh with any great strength. Encore is another dreamy set where flash is required, medley of 'Smoke Gets in Your Eyes,' 'Stardust' and 'Night and Day.'

Femme: Undoubtedly is, toponch for niteries catering to a Herb.

SHIRLEY ROSS

Singing
4 Mins.
Paramount, N. Y.

Shirley Ross, making her first appearance here, is under contract to Paramount as a featured player and the cast to the 'Thanks for the Memory,' current on the screen. One of Par's more promising young players, she is a soulful act on her p.a. and is stopping shows regularly. Although suffering from a cold, Miss Ross scores decisively in a routine of four numbers. She has a pleasant voice and nice swing in selling songs. Opening with 'Have You Got That's Gets Me,' she follows with 'Reverie' and clicks for an encore with a medley of numbers out of Par pictures in which she has appeared. A tune from new Par film winds up, but no mention made of the picture title source. Char.

FRANK JENKS AND DOROTHEA

Comedy, Songs, Dancing
13 Mins.; One
Palace, Chicago

Example of a good performer laboring under the weight of hopeless material. Give Jenks even a fair comedy script and he's a great bet to whom home with any audience. Jenks knows what the stage is all about, despite the fact he's young on the picture lots. But he, and nobody else, can do anything with a routine of chatter that contains no giggles.

Mike opens alone and gets over a comedy song about a little Hebe who wants to be a 'foreign legion' general. Not a particularly funny idea, but Jenks manages to squeeze more out of it than the lines themselves contain.

Miss Kent on for some crossfire talk with Jenks and it is pretty sad stuff. About halfway through the act that 'facetious' self-panning that doesn't come off. Tough break, since the pair of 'em indicate that they could really entertain with half a chance.

Sooner or later the team of Jenks and Kent decide that they have to have a finish for their act. They go into a dance as the tried-and-true method of scrambling. It's not a great dance, but it fills its purpose. Gold.

ANNE FRANCINE

Singlike Songstress
Coe Bouge, New York

Blueblood blues singers are in vogue again, but this time Anne Francine is heralded on the crest of a highly showmanly exploitation stage. She was the winner of a debutante and post-deb amateur contest staged by this smart East 58th street niter, with a month's contract to the winner. Miss Francine evidences she warrants the prize a bit beyond that, and especially since she's also manifesting a good personal draw.

Which is how socialite songstresses were born. Idea is that they'll come out to pay a covert for some of their friends get for free, in their drawing rooms. But such is the cafe society trend that the fashionable east side buntch entertains in public.

As a performer, Miss Francine is off to a fine start on appearance. She's in her mid-20's, evidently, a charming personality with a throaty voice that reminds of Mrs. Eve Symington style. Latter, daughter of Senator Wadsworth, is

the No. 1 money-getter of the blue box bluesters, earning up to \$750 a week, because she became a smart spot draw.

Current crop of socialite singers are in the \$100 to \$350 brackets. Adelaide Moffett, opening at Harry Richmond's new bistro, has been getting around that top figure and a shade stronger in certain locations. Miss Moffett is now about the most seasoned of that brand of song purveyor.

In the case of Anne Francine she's strong on musical comedy and operetta ballads. She delivers well at the mike, looks poised and not ungainly, despite her generous height, and withal makes fine impression. She could further help herself along by assimilating a good rhythm number to break it.

THREE MACK BROS.

Acrobatic
6 Mins.
Hollywood Rest, N. Y.

A knockabout tumbling act of fair merit which reminds somewhat of the Three Sailors. The Mack Bros. dress as gobs, also, but do not indulge in any talk. Act would be worth more if it included some chatter.

Acrobatics are capable and fast, turn being highly suitable for cafe floors or theatres. Char.

SIX VARSITY KIDS

Dancing
4 Mins.
Hollywood Rest, N. Y.

A sextet of jitterbugs (three men, three women), specializing in shag dancing and Big Apples. Kids, of the collegiate type, dress in the accepted campus manner and work fast. Their b.a. routine is ably executed.

Act probably can be stretched for a while, but it's not really as good as working here it is used as part of a production number, with the stint done amounting to not much more than an atmospheric bit. Char.

BOB RUSSELL

Singing
10 Mins.
Hollywood Rest, N. Y.

There is nothing modest about Bob Russell's pretensions to vocal calisthenics. He does a cavalcade of singers and songs, pegging them by name, which includes Caruso and Tibbett, no less. Russell has a good, husky voice, but he takes on a rather healthy order in trying to sing like Caruso did. Gets away with it, however.

He means his stint here with a popular number that got something aged now. He could drop that in favor of something newer. Following the cavalcade arrangement, Russell does another pop, as well as sold as his opener. A pleasing personality figure in the singer's equipment.

EDDIE SHAYNE AND CHARLOTTE

Ballroom Dancing
7 Mins.; Full Stage
Kings, N. Y.

Not enough novelty to this ballroom team's act, although both work smoothly. Charlotte Armstrong is unusually petite but needs more to do. One outstanding bit is the dive. Eddie Shayne takes over outstretching limbs of partner as she is doing a cartwheel.

For an encore they add a bit of Gay '90s eccentric stepping which sends into the air a trick that is a tache and girl's bustle. Further novelty to their routines would help make turn more appealing.

EMMETT OLDFIELD

With Eddie Ward
Comedy Acrobats
6 Mins.; One
Roxy, New York

Pair of clever acrobatic performers who work with finesse are old-timers, but not in VARIETY's New Act files.

Limber, loose-muscled athlete, probably Oldfield, furnishes long procession of spontaneous laughter as he curls himself into uncanny positions and takes the rough knocks on the hard-wood stage. Oldfield plays straight. Rubber-limbed, smaller Oldfield wears modified dance makeup. Climax is a startling fall into the incombustible exterior. Combo wowed a lukewarm house here. Suitable for stage or niteries. Wear.

DEBONAIRS (6)

Songs and Dancing
12 Mins.; Two
Palace, Chicago

Six well-dressed and well set-up young men in white ties to get them off to a fine start on appearance. They have an air of smartness that they strive hard to retain at all times, but which occasionally slips through their fingers. They are a good dancing combination, neatly routed and

well executed. But they appeal the effect by trying a double act vocal sextet. They sing a pop song and slice it to pieces.

On the vocal end they do better with two special numbers which demand only a slight step from monotone from these good dancers. The initial number is a vocal rib on the WPA and repeats all the mother-act enough, however, to get over for a starter.

Another special lyric on modern mechanized civilization leading to a good novelty.

Act would do better to build up its dancing, which is solid stuff and indicates surefire possibilities.

SOLOMON GEDEON

Ventriloquist, acrobatics
6 Mins.
State, N. Y.

Negro kid has something on the ball, though he certainly hasn't a routine. Mixing ventriloquism with an acrobatic exhibition of batting around one of those hi-li balls is an oddity, at best. But the youngster has ease on the stage, an innate sense of showmanship, and sneaks through to great results with the aplomb of a typical street urchin. He looks like the latter, even as to his clothes.

First part of the stint is a really good thing with a dummy, coal black. Sings 'Tiskit' in lazy fashion, accompanied by the thing all over the place. It's comedy, too, since he uses his head for bat as often as the poodle itself. Kid's size, garb, and obvious enthusiasm go over. Here with the Calloway band. Edga.

Finishes by grabbing up a paddle with ball attached via rubber string, and batting this crazy thing all over the place. It's comedy, too, since he uses his head for bat as often as the poodle itself. Kid's size, garb, and obvious enthusiasm go over. Here with the Calloway band. Edga.

WHITE'S LINDY HOPPERS (6)

Dancing
5 Mins.
State, N. Y.

Appearing with the Cab Calloway aggregation, this troupe of youngsters (Negro) flashes a lot of the violent rug-cutting associated with the Lindy Hop. Three gals with male partners are colorfully garbed, and go through practically the entire routine in pairs.

Troupe radiates the McCoy. It's a frenzied session, progressing at utmost steam pressure. Pairs fling each other around after a series of holds that would lay Strangler Lewis on the resin.

Fit in nicely with the stage show here as opening specialty, and are one of the flashiest bits more. Act looks good for work of this type; and assignments in dance halls, etc. Understood they started thus at the Savoy, N. Y. Edga.

HARRIS AND SHORE

Dance Comedians
10 Mins.
Rainbow Room, N. Y.

Harris and Shore have been around in cafes and theatres. This notice primarily for New Act files, from whence they're sent, is effective in the standard manner of The Hartmans, Moore and Revel, et al., with a few niceties of their own. She has parties with a trick, and apart from the hoke ballroomology, which differs from others only so far as various conceptions are concerned, they put it off nicely. With a few new ideas, it's announced as the forerunner of all big apples and makes for a new exit. Abel.

VIRGINIA SISTERS (2)

Singing
9 Mins.
Leon & Eddie's, N. Y.

A classy singing act of two girls who are assertedly Spanish but look anything but, being blondes. Making a good appearance and powered with a lot of personality, the Virginias are also good on singing ability. With the routine offered here they suit admirably for floors or theatres.

Team opens with a Mexican number, followed by 'Siboney' and a special arrangement of 'Reverie.' They sell their songs cleverly; voices above average. Char.

KING

Dog
6 Mins.
Rainbow Room, N. Y.

King, a clever police dog, does some effective tricks. He backs the usual count-up routine, or 'how many ladies at that table?' He does a disarming bit with his trainer, is only mildly cued, and rather imperceptibly, every one considers. His master is in dinner jacket and a good pacer. For a class in environment like the R.R., he might refurbish his wardrobe for each show, to maintain an impeccable exterior. It's not easy, considering one or two bits of pseudo-wrestling with King, or where the latter jumps on his shoulder in the disarming business. But the mastery of the room, and particularly, a class spot like the Rockefeller niter, necessitates more than passing attention along those lines. Abel.

Night Club Reviews

Hollywood Restaurant (NEW YORK)

Bob Russell, Serge Flash, Three Mack Bros., Elise Cerf, Pepper January, Al & Honey Abbott, Six Varsity Kids, Ames & Arno, Seger Ellis Orch., he Seger Ellis Orch., Stanley Orch., The Rimacs, Monchito Orch.

Closed down early this year after being plunged into 77b, at which time Joe Moss, its operator, swung over to the nearby International Casino, the Hollywood Restaurant is back in action. Competition from niteries of comparable importance is not easy to contend with, but the rebuilt Hollywood, affording a fine view of the stage from nearly all parts of the house, will be able to stand the gaff if its shows are stout enough to push the show to the top. Sanford apparently relies mostly on the 'knockabout' comedy act of Ames and Arno, long round vaudeville, to do the trick, but it turns falls considerably short of such expectations. It strains to smash through. After about two minutes, when the stalling sets in, the team ceases to be so funny.

Sanford put on floor shows in former years but more recently improvised his Midnight to Dawn Showboat, which followed after a short try this summer. In Serge Flash, Bob Russell (New Acts), Three Mack Bros. (New Acts), and others he has rounded up a good body of talent. Routines are smooth, while for color, he has done well in costuming, etc. The line girls (12) and the other better known by lookers. Their routines are refreshing, and to a considerable extent, novel. One number, in which the showgirls play nurses to the line ladies, as babies, with a diaphanous costume and equipment, is notable in this respect. Show could use a little more comedy. It has sufficient dancing, singing, and other things to make it a chestnut background to suit all tastes.

Flash goes over strong with his juggling, capped by a new balancing and drumming trick. In the 'Knockabout' comedy act of Elise Cerf, provide very salable entertainment. Macks are reminiscent of the Three Sailors. Indulge in no talk, however. Miss Cerf, early on, is a flashy singer, very ably performed. Other specialists are Pepper January, singing a nursery rhyme special as a frontier for one of the better numbers by the line; the shag team of Al and Honey Abbott, not new, and the Six Varsity Kids (New Acts), Big Applers. The Abbotts, a solid team, make a single by Al Abbott is particularly hot.

Show has no m.c. and this is a perfect spot for one. Also a good opportunity for more comedy. The right m.c. and material are obtained. Russell has a vibrant, pleasing voice and engaging personality. He opens his act with a pop song, also features a cavalcade of singers and numbers, suggesting them from Caruso and Tibbett down. That's a big order but he gets away with it okay.

The bands relieve each other frequently. Stint done by the Rimacs amounts to a show, of Latin flavor, in which the Monchito band also from dancing to show. This is a comparatively new band, featuring what Ellis calls his 'choir of brass.' An excellent show and dance band. Lee Shelley, who has been around Westchester, heads a band playing sweet music, while Red Stanley has a swing organization. The Rimacs and the Monchito band are rhumba outfits. Latter doubles between the downstairs bar and upstairs. Rimacs carry numerous singing and dancing specialists, while Ellis has a solid Irish set.

Entire architecture of the Hollywood is suggestive of a boat. Stage, shaped like a horseshoe, is raised and tables are terraced along the sides, that vision is obscured only some tables by two posts that could not be eliminated.

Nicholas Weiss heads the group opening in the No. 1. Next, Joe Moss is also in. Moss is the help of the old Hollywood was back. Char.

OLD ROUMANIAN (NEW YORK)

Murray & Alan, Line (8), Sadie Banks, Wilma Novak, Ethel Bennett, Mara, Ronnie De Camp, Joe La Porte Orch (5).

This intimate spot on New York's lower east side has come a long way since Jack Silverman first opened the spot as more than a plain eatery 14 years ago. He is currently celebrating its anniversary by enlarging it for the second time. Fourteen years ago it opened

as a 75-seater. Currently, it can hold 500.

For the entertainment there are several standbys who've been at the spot for some years, and they continue to be the policy of Silverman to escape that idiom for the Yankee flavor. Miss Banks is a cross between the Sophie Tucker-Mae West type in personality and showmanship. Ethel Bennett, sprightly, brunet, here for seven years, gets in a few Yiddish songs, which is a departure, too, from the old style in that the swings, m.c., smartly, Murray and Alan, brothers, long a standard vaude act, are the gagsters, with Murray also filling in as m.c., which he does satisfactorily. However, the gagsters come together for their gags, they miss fire. Routine is old business. However, their stuff has sufficient variation to warrant the name of gagsters. Mara is a Russian gypsy singer, and a looker. She does a couple of native numbers and chimes in intermittently with pops. Okay, the effect of the girls is an angry and swell-looking. Joe La Porte's band plays well for show and dancipation. Ronnie De Camp is on a couple of times, and a looker. Wilma Novak, hot hooper, grinds the bumps for all they're worth and clicks big with the males though her terps are just ordinary.

LEON & EDDIE'S, N. Y.

Eddie Davis, Iris Adrian, Ken & Roy Paige, Renee Villan, Jerry Kruger, Dorothy Jeffers, Tommie & Horne, Virginia Sisters, Wally Ward Sextet, Ford Crane, Lou Martin Orch.

Leon & Eddie's new Xmas show, with Eddie Davis and Iris Adrian, finally changing their act, is one of this bistro's best. It's fast and socks all the way. Plenty of body represented in the act, with Ken and Roy Paige, knockabout comedy act, the Virginia Sisters (New Acts), Jerry Kruger, formerly of 'Get Out of Town,' and The Hollywood Horsemasters.

Davis, who always clicks, is doing several new songs written for him by Billy K. Wells, plus a sketch in 'The Gay Deceiver.' 'Good, Old Reliable Jeeves,' a number built around a trailer; a clever arrangement of pops and a 'New Special' number, comprise arrangements of two new pops, comprise Davis' new routine. The trailer song is a pip and the 'Schnitzelbank' number has a surprise twist. Davis' selling 'Get Out of Town,' 100%.

Additional singing vent is lent by Miss Kruger, who does two numbers, one very hot, and the Virginia Sisters, carrying three songs, 'ably' sold. The Virginia Sisters and Villan's strength to the bill, as does the Paige twain.

Dance specialists include Renee Villan, in a fast Spanish number, and Dorothy Jeffers, who does a rhythm hard-shoe effectively. The Hollywood Horsemasters act has been around for some time, and is nothing more than a couple of inside a skin. Further dancing is provided by the Wally Ward Sextet, a holdover. Ford Crane, m.c., is also a holdover.

Lou Martin's orchestra plays well for show and dancing. Char.

Saranac Lake

By HAPPY BENWAY

Sidney Stuart, who served his time at the Will Rogers, is in Bermuda. Lillian Mansfield, ex-Ziggy 'Tollies' girl, to be sided. She's been airing here for three years.

Thanks to Riga Konova of Chicago for another load of books for this Actors' Colony.

Karl Fischer to New York. Will bring back a load of books for the Rogers with the Rogerites will celebrate.

Bede Fiddler and Hazel Smith, playing Santa Claus, preparing tops for the kiddies downtown, a salute from the Rogers.

Dorothy (RKO Boston) Andrews now filling in as telephone operator at the Rogers.

Isabelle Rook, Rose Clark, Fred Schrader and Walter Hoban giving up their allotted exercise time to shop for the boys and girls downtown.

Ted Reilly, who licked it here, to Pittston, Pa., and work. He's an old-time musician.

Edward MacDonald and Teddy Bodwell one year older.

Kenneth Lindloff, who got that good report, now an assistant to Rudy Plank in the Rogers X-ray department.

Write to those who are ill.

PARAMOUNT, N. Y.

Blue Barron Orch. Shirley Ross, The Kidoodlers, Ken Murray, Seats Powell, Ronnie Snyder, Tiny Wolfe, The Lazaries, Ross Carlyle, Nap and Harrore; Thanks for the Memory (Par).

A 62-minute stage show, one of the longest ever for this house. But it's pleasing all the way. It's not the punchiest staged here. Combined efforts of Blue Barron's very listenable band, Shirley Ross (New Acts), Ken Murray, Seats Powell, The Kidoodlers and specialties with the Barron outfit sum up for an hour's service that will bring no complaints.

The Barron orchestra was formerly at the Green Room of the Edison hotel, four blocks up the street. It deals in melodic and rhythmic swing, holding down on the brass, and linctures with vocal work, singly and in choral form. Barron's singing style is similar to that of Sammy Kaye, recently here, was removed for this engagement, with effort made to make the vocalizing side of the show. The Barron works in a business suit. Therein he's a bit different. Also, he directs his band without ostentation.

Barron's specialists include the band leader, Tiny Wolfe, who has no voice but gets much out of a couple swing songs, plus a brief dance bit. Others are Ronnie Snyder, who whistles "Flight of the Bumblebee," and, in accordance with the program, does the old hit to new lyrics directed to Murray. She's a good-sized hit. Her routine gets under way with two pops, sold in a very showmanly manner. The number of numbers from pictures in which she has appeared follows, topped in turn by a ballad from a new Paramount film, name of which isn't mentioned.

Murray drifts in and out of the show, doing yeoman duty. His material is very saleable, but one gag is too obvious and well known to the patrons. Seats Powell, who Murray, specializes in jitterbug singing, muted down but effective.

The Kidoodlers, from radio, furnish entertaining relief with their toy music, backed by a guitar and singing. Act numbers four men, all young. The McDonald Had a Farm number, with barnyard imitations, reminds a bit of the Schindler's List outfit. The last number is apparently a brother and sister team, and Sis Nap and Sonny Barrone cast additional spell over the jitters with their shag dancing. Seats Powell, who Murray, turns partner with one of the girls.

Show is well staged and has the advantage of good lighting and scenic effects, latter designed by Harry Rubin.

APOLLO, N. Y.

Three Escardos, Jackie Smith, Jean Starr, Sandy Burns, Pigneat, George Wilshire, Bill Bailey, Gladys Madden, Stuffy Smith, and a smooth Harrie; Time Out for Murder (20th).

Looks like a light nut show for a lighter than usual house this week, answerable for in pre-Xmas slump. Diminutive Jean Starr opens show with line number, singing and dancing. She's better than regulars, but she almost constitute a stock company except for occasional excursions. Costuming and routine of line (16) is, as ever, better than average, while background by Miss Starr, and in later production number.

Escardos follow Miss Starr's effort with rather slow, though nonetheless aweing, acrobatic turn. Go in for mild slapstick in this attempt at a lighter touch fails to jell. Should stick to their shoulder-climbing and intricate balancing feats. Bad production aspects turn up in this act when they unwittingly demonstrate the dirtiness of stage, walking off with grey suits which once were black. Fault of the house, of course.

A flashy number, with a lot of slit skirts and one-shoulder uppers partly backgrounds of tappper Jackie Smith, youngster has lots of personality, just as much looks and a smart set of terp numbers. All he needs is a little more smoothness of delivery to really sell his waltzy, off-rhythm tapping.

Stuffy Smith takes the stage at half-way mark and stretches a meager offering. He's still in the groove with arrangements, but is too overboard on mellow, over-the-top clowning. Gladys Madden, new vocalist, gets off "Indian Love Call" and "Reverie" (both sweet).

Stuffy Smith also backs up Bill Bailey, who's doing a return. Tapster does only one number this week, though still adhering to his style, which does not permit duplication of steps. Current performance seems too close to the last time he was here.

Comes Burns and Pigneat, assisted by Wilshire and Vivian Harris, strutting and strutting in a funny business. Old "Take Me to Jail" burley bit is unwrapped first, but with some extra Harlem flavoring. Miss Starr and Burns in baby carriage and jive singing, crossdressing with straighting duo, go extra blue in second helping. Hur!

LYRIC, INDPLS.

Indianapolis, Dec. 10.

Hal Kemp Orch. Judy Starr, Bob Allen, Seats Powell, Eddie Kusby, Mickey Bloom, Paul Remos and Robin Midgits, Florence & Bob Robinson; Road Demon (20th).

Hal Kemp band, consisting of rhythm quartet, three trumpets, two trombones and four saxes, nicely utilized in a 12-minute act. Kemp on sweet and swing rhythm. Kemp emcees pleasantly, though a little too much in the spotlight as he steps in on every turn for some non-essential business.

Band opens with a pop medley, including "Pocketful of Dreams," "60 Seconds" and "Lambeth Walk." Mickey Bloom steps down from trumpet section to do some torrid lip work on "Toy Trumpet." Florence and Bob Robinson contribute an exhilarating jitterbug acro tap.

Bob Allen sings a trio of pops to good hand, vocalizing "So Help Me," "Go Home," "Meat and Beans." Saxie Dowell, saxophonist gets some giggles singing "10 Little Bottles" and "Oh Ma Ma." Kemp takes to the reed to make it a quintet in "State Street Blues." The band follows sweetly with "Dream Walking." Eddie Kusby hits some high spots tromboning "Mood Indigo." Band then swings "Powerhouse."

Standout act is Paul Remos and Midgits, with two youthful divas doing dances and acro work, finishing up on top of tall pole balanced on Remos' shoulders.

Judy Starr sells strongly on her personalized singing of "Week End of Private Secretary." Seats Powell, People, novelty version of "A Ticket," parody on "Can't Give You Anything but Love" and "Devil and Deep Blue Sea." Bob Allen closes on "Private Secretary." Seats Powell, Get It! with Kemp clowning on stick work as band imitates Goodman and Toscanini.

With no help from pic, biz good at last show Friday (9) with standees on first floor. Kiley.

EARLE, PHILLY

Philadelphia, Dec. 10.

Richard Himber Orch. Stuart Allen, Wally Brown & Annette Ames, Lester & Irma Jean, Lou Schrader House Orch; Say It in French (Par).

Earle show is strictly a pre-Xmas new-saving event. And the results show it's a business class in coin spent on talent, however, is clearly evident, for biz is naturally sagging. Considerably off when caught. Lack of at least one act is evident. While show, too, is unusually short, well under an hour, lacking the quantity usually here.

Principal difficulty is that the band has only two acts. Result is too much music for the Himber's "mid rhythm" and manner of presentation is not powerful enough to keep an average Earle audience fully occupied though it's a dandy 13-piece orchestra. There was further handicapped at the opener by the absence of Godfrey Hirsch, nifty vibraphonist, due to a union angle, and the absence of some of the acro props. This is the band's first stage date.

Himber, too, is rather inadequate as m.c. He gabs too fast, not loudly enough and often has a tendency to mumble. On the warble side, Himber has Stuart Allen, smooth tenor, who has a pleasing personality and sells well. Does "My Heartie" and "I'm a Soldier." In addition to usual short imitations of chirpers with other band's good.

Two supporting acts are Lester and Irma Jean plus Wally Brown and Annette Ames. Brown is an adagio dance team, who get by.

Comics Brown and (Miss) Ames jabber, sing and terp. They're hardly able to bear the weight of the whole show. Brown gets under way with the beard of attempting to sing into the mike while the orchestra strikes chords to drown him out each time he starts. Follows with a warble on "When I'm Alone." Miss Ames, cute blonde, appears in her standard little girl's dress, giggling and skipping. After preliminary repartee with Brown, she sings "Here in My Heart," fairish, then terps, goes into some more biz with her tall partner and they're off.

Himber winds up with "Parade of the Stars" in a biggie, and appearing in masks to carbon their batoneers, okay, although only bit that's original is his takeoff on Ray Kiser imitating him. Burlesques and a little jive, which is good for chuckles. Herb.

ROXY, N. Y.

Bob Howard, Charles Carver, Cappy Barra, Ensemble, Eddie Shayne & Charlotte Armstrong, Emmett Oldfield & Eddie Ware, Gloria Gilbert, Gae Foster Girls, Phil Ash house orch; Thanks for Everything (20th), reviewed in VARIETY, Dec. 7.

Trim production and routineing help Fanchon & Marco show here this week, with brevity of acts and large number of them being outstanding. Looks like an inexpensive array yet much more satisfying than recent efforts due to showmanly arrangement.

Bill opens and closes with one-performer turns. House public address officer, Charles Carver, who is heard, Bob Howard, colored pianist-warbler. Howard has come along nicely since he has been on WHN, New York. Now billed as an NBC star, well-groomed, he clicks with the ivor, punching and talky singing because of swing he puts into his music. In "Old Man Mose," Malajah Brown and Hold "A Tiger" are his best but imitation of a player-piano really is something. Howard is given too many numbers, especially since his second encore brings in the Gae Foster Girls in a Harlem stomp routine. They background him throughout this, not so good.

Charles Carver, who's been around for years, has kept up to date with his juggling. Now employs a movable bar from which he takes plates and eggs. Letting four eggs drop into as many glasses without breaking and the juggling of cocktails into eight tumblers are his highlights.

Cappy Barra, Ensemble, seven youthful harmonica players and singers, have built strongly over past appearances on Broadway. Now team as the latest review of the troupe because of excellent voices and pep. They're doing their usual numbers, with "Poet and Peasant" overture spotlighted, Nat Burton singing on the harmonica. Seats Powell, featured vocalist, contributes excellent solos. Troupe's swifter style of playing and ballading is quick and snappy. Seats Powell, this audience when caught. Turn still needs either more clowning and mugging or shorter numbers with punch finish, all of which will come in time.

Emmett Oldfield, with Eddie Ware, in acro novelty (New Acts), are hits of current bill. Dance team of Shayne-Armstrong (New Acts) makes a pretty picture but is not outstanding.

Gloria Gilbert is the single wind-up for show, being introduced by Foster line after the usual military drill. Billing of human pot describes her toe-twirling proclivities adequately. Makes novel stage a corse, swirl clear across the stage.

Foster troupe, besides the Harlemese stomp opener, registers best with colorful routine in spring or gaudy gowns, half wearing pink and half green. Well done and deftly executed. Finale is the stately military drill, with femmes garbed in white. Aside from the opening act, the troupe over the mike, designating the first and final acts, audience is permitted to guess who's who on the program. Wear.

CAPITOL, WASH.

Washington, Dec. 10.

Chester Hale Girls (24), house line, Six Philharmonics, Ben Saxon, Boy Fox, Collins & Peterson; Dramatic School (M-G).

With three good stock acts, a stagelut, Chester Hale girls and Ben Saxon, the show is a good one. What they do or say, Matt Collins and Harry Peterson whip the doings this week into a smooth and satisfying segue.

Show opens with line doled up in cowboy regalia in fast rhythm tap to "Chiquita." Collins and Peterson bounce out from opposite sides, amble around and put on a cowboy orchestra man to welcome latecomers, order wedding march for couple coming down aisle, and introduce Six Philharmonics. Kids, in grey flannel pants and maroon silk shirts, tear off "Limehouse Blues," "Caravan," "Springtime in the Rockies" and "Mulberry Bush," skipping the slapstick to concentrate on playing chords. The troupe goes back for more nuttiness, including explaining show 'up until now' to gent who just arrived, and bring on Ben Saxon. Comely blond wraps strong pop soprano around the choly Baby, "You Made Me Love You" and "Sixty Seconds." Encores with highly tricked-up arrangement of Irving Berlin's argotting "Love Piano" with reticative chorus, and makes 'em like that, too.

Line takes over next in orchid chiffon gowns and yellow hats for smooth tap. The troupe comes out emphasizing shadows of hands on backdrop. Collins and Peterson turn up again with more patter to "Reduce Boy" or. Latter works on a unique dance, the "Indian Club," Indian clubs, spinning trays, top hats and mouth stick-rubber ball stuff that would be good if done on terra firma. Finale, using three balls, two

sticks and five hoops atop 10-foot unicycle is solid as always here.

Collins and Peterson's use last appearance for their surefire trumpet and lemon bit, and turn doings over to Phil Lampkin, conductor of the pit crew, who spells about line's final routine. Number is mixture of modern tap and Hungarian folk dance, done in native costume with half of line as boys and half as girls. Biz satisfactory. Craig.

Golden Gate, Frisco

San Francisco, Dec. 10.

Jay Brower house orch, Jane Withers, Bob Hall, Michon Bros. (2), Phil & Dotty Phelps, Jack Leonard, house line; Exposed (U).

Jane Withers' exuberant personality and varied talents are clicking heavily with Golden Gate audiences, which are generously sprinkled with juves. Topping a capital bill, she's supported by Jay Brower's band, combining singing, mimicking and dance. Her best act is imitations of film celebs are cleverly done. Impersonation of a singer who makes good at the Met is very broadly drawn, an amusing musical caricature.

Golden Gate's usual custom of winding up with the house line (12) has been changed to present what's intended as a buildup for Miss Withers' act. Following the following snatches of outstanding 1938 hits by the band, m.c. Brower and Frances Darby, one of the chorines, do a scenic version of "The Great Escape" the rest of the line on hand with the inevitable yellow baskets. The youngster then opens her act with the same tune, but because of the complete break between the chorus number and her entrance when caught, the intended buildup results in an overdose of the ditty.

Jack Leonard, comic, who capitalizes on his gift, works hard, doing good imitations of W. C. Fields, Bing Crosby and Mussolini, among others, and some goody comedy. Act is a complete break between the number and her entrance when caught, the intended buildup results in an overdose of the ditty.

The Michon Bros. (2) do screwy acrobatics, combining verbal nonsense with novel horseplay. Bob Hall, comedian, hold over for a second week, follows, and clicks. Mitt.

PALACE, CHICAGO

Chicago, Dec. 11.

Red Skelton, Five Elgins, Ann Miller, Frank Jenks & Dorothea Kent, Kelly Kay, Six Debonairs; Storm (U).

'Between assignments' brings a number of picture and legit faces to the Palace this week. But all the backstage rest and quite solidly on vaudeville past. Skelton, for one, disowned any real connection with pictures, claiming that he was a 100% vaudevillian. He called on a picture act, though, Jenks probably can spot him several years and still go a longer vaude history.

Jenks and Dorothea Kent (New Acts) need material badly. Jenks demonstrates he still retains a sense of stage ability and personality, and Miss Kent is a highly satisfactory eye-fuel. But weak crossfire confines the act to guess a good personality and a neat-looking blonde, without anything to offer. Jenks opens with a pretty fair comedy tune and then brings on his femme partner for some baby chatter. They for want of a better excuse to get off the stage, they manage a couple of time steps.

From the picture lots also comes Ann Miller. She works hard, and in four minutes just about wears herself out completely. She has a great sense of rhythm, good projection, and makes an excellent appearance. But a somewhat less rushing pace would seem preferable.

From vaude into the legit show "You Never Know" went a fine male tap-dance aggregation known as the Debonairs (New Acts). It seems that the Debonairs act of the past few years contained more than the half-dozen who survived "You Never Know." Also, that the act was strictly a dancing unit, instead of the present mixture of songs and special lyrics with the footwork. Dancing is good, with plenty of manners and style.

Five Elgins open the show solidly with the hat and Indian club juggling. Always a real act, the turn demonstrated its standard ability in getting the bill off to a fast start.

Repeating here after a few short weeks is Dolly Kay, surefire in this town. Again slammed through with a series of pop tunes delivered in distinctive manner. Kelly Kay, Red Skelton is going to be the next name built by vaudeville. Skelton works hard and goes in more for comedy impersonations rather than straight gagging. Exhibits nice showmanship.

Business n.s.g. at the supper show on Saturday (10). Gold.

FOX, DETROIT

Detroit, Dec. 9.

Sam Jack Kaufman's house orch, Danonettes (16) house line, Paul & Nino Ghezzi, Lorraine & Rogan, Wena & Wynesta, Gracie Barrie; Mad Miss Manton (Col).

This week's menu is light and short for the Xmas trade. Rather skimpy production, but okay in view of the situation.

Gracie Barrie is the headliner, but experiences plenty of opposition for the honors from Paul and Nino Ghezzi, two smooth hand balancers, with plenty of stuff on the ball. Femme soprano, who's appeared here before to good advantage, has lost none of the zip in her pipes and gets over nicely with several ballads.

The Ghezzi duo shows to fine advantage. Excludes plenty of showman's aplomb and adeptness at the muscular feats.

Lorraine and Rogan, male and female hoofers, work in round of many bits to set off their number nicely. Some of the antics are of questionable character, however, which doesn't help any. Wena and Wynesta are a cute, as well as adept, pair of tapsters, neatly garbed and of good appearance.

Danonettes, besides bringing in Wena and Wynesta in several numbers, also turn in a high-kick, a Southern tap and a rhythmic finale. House line, however, is lacking in its usual cleverness, all its routines coming out of same hopper.

"Overture of Overtures" is Sam Jack Kaufman's orchestral contribution. Kaufman likewise does a neat m.c.ing job.

Attendance fair at early evening show (9). Pete.

Embassy Newsreel, N. Y.

War clouds continue to dominate the reels this week, and well they might since every sector of the globe is experiencing the fever.

Accent, however, is on Continental Europe where Metro carries the brunt of the reeling in showing the Italo-French situation, started when the former signified its desire for Tunisia, owned by France, and the new few situations in the reels. Otherwise, the situations throughout the world are much the same.

Palestine strife is still prevalent, with Fox and Pathe showing pedestrians being searched for arms, etc. In Lima, Secretary of State Cordell Hull is caught by Par sounding the keynote of world demographics—peace—but it's a stereo talk that's been said often by many world dignitaries in the reels.

Several weeks ago Pathe's "March of Time" revealed an interesting 'exposed' picture of the world's armaments, the Maginot Line, via which it hoped to withstand its arch enemy, Germany, in the event of a war. It was then an absorbing bit of data but as a stereo talk that's been said often by many world dignitaries in the reels.

The refugee column in Holland lends some interest to the picture, inhabitants attempting to rehabilitate themselves. Slightly dated by now, is the horror graphically shown by the same company in detailing how 21 died in a school bus crash in Utah.

Football is still the topper on the sports program, with the Giants' 36-0 victory over the Washington Redskins for the Eastern pro championship showing some excellent camera work, picture, and a few highlights of several long runs by the Giants (Pathe). The slow motion clips accentuate the excellent teamwork of the Giants.

The mousetrapping of the Redskin line-men, which is something that escapes the eye during the regular unspooling.

Off-to-Cairo

(Continued from page 1)

formance if the engagements had been concurrent.

Star was the guest of honor yesterday (Tuesday) at a special matinee of "Measure for Measure" at the Martin Beck, N. Y., by members of the "Victory" company. It was a strictly private showing, with only a few other members of the company and reps of the management there in addition to Miss Hayes. Shakespearean work isn't scheduled for any public performances, either in New York or during the tour.

Ray Johnson, a member of the company and who played "Measure" some years ago at Old Vic, in London, staged the piece, which was done without scenery or costumes. Leads were played by Kate Wariner, Izetta Jewel, Alexander Cox, Guy Monneypenney and William Bishop. Latter is a nephew of Miss Hayes.

Equity Considers Experimental Units As Means of Developing Plays, Talent

Special provision for so-called experimental production groups is again a live topic for Equity consideration. Issue arose after suggestions were made that such activity should result in development of play material and talent at a time when both are lacking on Broadway.

Last year, Equity rejected several proposals from independent theatre groups on the ground that a way would be opened for evasion of its rules, particularly the minimum pay requirement of \$40 weekly. Only the experimental showings sponsored by the American Theatre Council were recognized.

Equity resolved to further consider the matter as the result of its recent discussion meeting when Maurice Evans and Margaret Webster, visiting Britishers concerned with 'Hamlet' (St. James, N. Y.), stated that type of stage effort had encouraging results in London. Both were named on a special committee, along with Antoinette Perry, in charge of the A.T.C. young groups, to consider the idea.

Most recent appeal to Equity came from a group that proposed to present new plays Sunday nights. All such plays were declared to be the works of the players who would appear in them, and it was guaranteed that none other than the players would be concerned with the productions. Equity replied that until the new committee handed in a report, no formal consideration of the plan would be made.

FREEDLEY SEEKS EQUITY CONCESH ON 'GINZBURGS'

'The Flying Ginzburs' withdrawn for revision recently after a Boston showing, may be among the holiday premieres under the name of 'Off to Buffalo.' Vinton Freedley, who's producing the comedy, applied to Equity for a concession in the eight-week rule, such a lapse being usually required between the closing and resumption of new plays. Equity Council yesterday (Tuesday) declined to ease its regular rules.

Manager intends retaining 60% of the original cast, but is still seeking a new male lead. Jack Benny mentioned giving the part consideration.

Earl Carroll Auction Sale Deferred to Jan. 9

The auction sale of Earl Carroll's interest in 16 plays and the same number of songs, besides his shares in 10 corporations, was adjourned until January 9 yesterday (Tuesday) by Federal Court Referee Robert H. Stephenson, at request of Charles Seligson, counsel for the trustee in bankruptcy. Carroll filed a voluntary petition to be declared a bankrupt last October. Among the assets he listed were the songs, plays, etc., which are now on sale to the highest bidder.

As a starter in the bidding Herman D. Hoyer, of Rockefeller Center, offered \$100.

Among Carroll's shares in songs are the following: One-third of author's right in 'Have a Heart,' 'Great to Be in Love,' 'Tonight or Never,' 'Blue Shades,' 'Ever in a Lifetime' and 25% share in rights of 'All of You,' 'Adorable' and 'Dreams of Long Ago.' Interest in some of the plays offered for sale are sole ownership of 'The Lady of the Lamp,' unknown share in 'Floretta,' 'The Rat' and 'Aunt' from 'Yip! Yip!,' 'White Cargo,' 'Laugh That Off,' 'So Long Letty' and 'Canary Cottage.'

The list also includes real estate holdings in the following corporations:

Edrington-Carroll Realty Corp., one share; Edrington Realty Corp., 1,000 shares; Earl Carroll Theatre Corp., 1,000 shares; Earl Carroll Theatres Realty Corp., 1,000 shares; unknown interest in the 161 West 49th St. Corp. or the Metrolite Players, Inc., 29 shares in New York Enterprises, Inc., and an unknown quantity in King Productions, Inc., Forum Productions, Inc., and Careda Theatres Corp.

Shows in Rehearsal

'The American Way'—Sam H. Harris.

'The Importance of Being Earnest' (revival)—Aldrich and Myers.

'Blackbirds'—Lew Leslie.

'Window Shopping'—Thomas Kilpatrick.

'Gentle People'—Group.

'It's All Yours'—Dwight Deere Wiman.

'Set to Music'—John C. Wilson.

'The Primrose Path'—George Abbott.

'Mamba's Daughters'—Guthrie McClintic.

'Dear Octopus'—John C. Wilson.

'The White Steed'—Eddie Dowling.

'Everywhere I Roam'—Connelly and Blau.

'Angela Is 22'—John J. Wildberg.

'Don't Throw Glass Houses'—Connelly and Blau.

'Michael Drops In'—Massey and Elkins.

'Bright Rebel'—William Kilcullen.

'Outward Bound'—Brady, Smith, Fletcher.

DROPS BARTON 25¢ 'HELL' SUIT

Suit brought by Ann Dere against James Barton, star of Tobacco Road, for allegedly forcing her to resign from the cast on Nov. 19, was settled out of court Wednesday (7). Miss Dere has been tendered a run-of-play contract for dropping the action, according to Bob Broder, her attorney, who had asked for \$25,000 damages.

Miss Dere had been asked to resign when she failed to put enough stress on 'hell' in her lines. Barton insisted, it was alleged, that she be released or that he would quit when she failed to comply with his wishes. She had been playing role for two years with exception of short layoff.

'Road' is currently in its sixth year on Broadway, at the Forrest.

'PINS' PITT HEADACHE; DEMAND MONEY RETURN

Pittsburgh, Dec. 13. Reverberations from recent engagement of 'Pins and Needles' at the Nixon still being heard here. Spot has never had a show, that gave the management so many headaches and box office continues to get calls from disgruntled customers who, even at this late date, insist they should get their money back.

Although press locally was fairly enthusiastic, 'Pins' was a complete bust in so far as Pittsburgh public was concerned. Generally believed that show was oversold.

Pittsburgh's always been a hot town for musicals, and billboards proclaimed 'Pins' as a 'rollicking musical revue.' That means only one thing in these diggings—beautiful dames with lovely gams. When they came and found instead group of ambitious young ex-garment workers without much s. a., and a skimpy, intimate production, squawks were loud and long.

'Pins' did around \$10,800 on the week, which was profitable, but more than half of that came from union parties. Other \$5,000; however, was contributed by the subsequent squawks; and it's figured that at least \$2,000 or more was returned.

Pemberton's Dilemma

Chicago, Dec. 13. Three shows are being dickered for to follow 'Susan and God,' which closes a smash stay at the Harris New Year's Eve. 'Our Town,' 'What a Life' and 'Kiss the Boys Goodbye.' The first two will play Chicago this season, but there's a question on the Brock Pemberton production due, it's understood, to producer's difficulty to cast road company of 'Goodbye.'

Schwartz May Revive 'Ashkenazi' for Fair

Possibility that Maurice Schwartz will present two of his former successes during the New York World Fair period at his Yiddish Art theatre. They would be 'Brothers Ashkenazi' and 'Yoshe Kolb.'

Schwartz presents his latest play, H. Leivick's 'Who Is Who,' at the Yiddish Art, Dec. 23. It succeeds 'Three Cities.' Schwartz and Miriam Riselle are among the feature players in 'Who.'

SWING 'MIKADO' MAY LAND ON BROADWAY

'The Mikado,' with a colored cast, similar to the WPA showing of the operetta in Chicago, is mentioned for Broadway by two managements but there will be no tieup between the commercial showmen and the relief outfit. Gilbert and Sullivan show was first reported planned by J. J. Shubert and John McGee, who recently was replaced as Chicago WPA director. Alfred de Liagre, Jr., also proposes to do a colored 'Mikado.'

Novelty of the presentation is the manner in which the score is played. It has been revised in swing tempo and it's likely the numbers will be reorchestrated for New York. No royalties are required for 'Mikado' since it's in the public domain.

'Mikado' Dickers in Chi.

Chicago, Dec. 13. Charlie Washburn and Ned Alford trying to work out deal with local Federal Theatre Project to take over 'The Mikado,' current at the Great Northern, for tour.

WPA version is a swing adaptation of the Gilbert and Sullivan operetta, with an all-colored cast.

Costume Designers' Union Rushes Fight Vs. Foreign Imports

Effort to halt the importation of theatrical costumes of foreign design will be pushed by the Theatrical Costume Designers and Painters, which includes all established U. S. legit costume designers. Union is a branch of the United Scenic Artists of America, Local 829 of the Brotherhood of Painters, Decorators and Paperhangers of America, affiliated with the American Federation of Labor.

To carry out its edict, union has ruled that no producers may import costumes of foreign design or even the designs. However, it specifically exempts producers not in business for-profit and established foreign theatrical organizations, such as the Ballet Russe de Monte Carlo, the Salzburg Opera, Idée Shant-Raj, Mei Lan Fang, etc. Union is perturbed over what it regards as a growing tendency of producers to use costumes of foreign make and design at the expense of U. S. craftsmen. Although it doesn't say so officially, the union is understood ready to boycott through its parent organization any producers who violate its ruling.

TCDP is also increasing its initiation fee to \$50, beginning Jan. 1. Boost will be accompanied by more rigorous examination to maintain the standard already established for membership.

COMPLAIN ON ABSENCES OF EQUITY COUNCILLORS

Complaint by some members of Equity's Council that a number of councillors were lax in attending the group's weekly sessions has been considered. There are 50 in the council, but it was never intended all would attend at the same time.

Usually, a well-attended meeting attracts around a score, a percentage of those absent being engaged elsewhere. It was agreed that Paul Duizell, executive secretary, write others who rarely attend meetings. Should that not be successful, it is understood an action can be taken since there are no rules covering the subject.

Protests by N. Y. Delegation in D. C. Bring Recall of FTP Firing Order

Seek Cut Return

Many members of local 802, American Federation of Musicians (N. Y.), and Local 60, United Office and Professional Workers of America, have joined as plaintiffs in an action against the government to recover a weekly cut of \$1.09, which became effective last July 10 on Federal music and arts projects in N. Y.

Alleged in suit that the cut is in violation of provisions of the Emergency Relief Act of 1938. Although the law provides the rates on federal music and art projects are determined by the WPA, it's maintained the WPA violated the intent of the statute. Complaining of cuts in the past, but doing nothing, present action is taken in the thought of forestalling further cuts that are threatened.

Despite recent optimism among Federal Theatre Project execs in New York that the outfit would not be cut, they were called to Washington last week and instructed to reduce the complement 25% by Jan. 1. Early this week, however, it was announced at the capital that the cut was rescinded. That followed the visit of a delegation of the Federation of Arts Unions, headed by Edward Everett Hale, of Equity. All stage unions and the fine arts projects were represented by the successful protestants.

Proposed dismissals were also objected to by the Workers Alliance, union of WPA workers. Question of 'amateurs' on the project is again likely to be raised despite the cancellation of the cut, since the Alliance believes that WPA heads are inclined to favor those of unquestioned professional background. Charged that few in the Alliance can definitely establish membership in the stage or crafts unions.

In an open letter last week to George Kondoff, director of production, his resignation was demanded, but he ignored it as 'a waste of time to answer such hysterical and false denunciations.' Kondoff said that last season the project presented 'four genuine hits by anyone's standard,' naming 'One Third of a Nation,' 'Prologue to Glory,' 'Hail!' and 'On the Rocks.' Alliance said he 'failed miserably in giving the project any kind of planned production schedule.' The Alliance also claimed it has become your practice to bring in outside help, ignoring the talent on the side help, so that in several cases the project's contribution was financing the production and supplying under-studies and walk-ons.

Equity Membership For Life Granted To Ezra Stone, Thomas

Life memberships to Equity have been granted for the first time in years. John Charles Thomas, who has been in the association for years, and Ezra Stone, being the recipients. Latter has been appearing in 'What a Life,' at the Biltmore, New York. Former was once in musical comedy but has devoted his time to concert, opera and radio in the last several years.

Equity formerly sought permanent members but ceased such activity because it was felt that life members were prone to show less interest in the affairs of the organization than regulars. However, under the rules, anyone in the association may secure life membership by paying \$180, the equivalent of 10 years' dues. Originally, the cost was \$50, later \$100. There are 190 life members, some being honorary grants to aged professionals in homes.

Only person on the Equity list having a life card is Harry Lane, who won it in a drive for members during formative years of the organization.

Engagements

Mary Michael, 'The White Steed.' Iva Troutman, 'Dear Octopus.' Cora Green, 'Policy Kings.' Georgeette Harvey, 'Mamba's Daughters.'

Joan Wetmore, Norman Lloyd, 'Everywhere I Roam.'

Jean Muir, Phillips Holmes, 'en Botry.'

Lee Patrick, Onslow Stevens, Edmund Dorsey, 'Michael Drops In.'

Sarah Burton, Florence Britten, Gilbert Wilson, 'Set to Music.'

Flaming Sheridan, W. J. Hackett, Fred Harris, Richard Taber, Ruth Lee, Philip Huston, 'Window Shopping.'

Florence Reed, 'Outward Bound.'

Hon. Williams, 'Importance of Being Earnest.'

Richard Aherne, Ann Loring, Robert Vivian, Jeanne Casselle, Charles Sals, James Melville, Augustus Martin, Michael Wills, Mary DeBecker, Helena Glenn, Frances Dale, Mary McCormack, Henry Vincent, Daniel Krewé, 'Bright Rebel.'

Arday Works on 3 Plays; 2 to Be Ready Next Fall

Robert Arday, in New York for a brief stay, is working on three plays, two of which he expects to have ready next fall. Guthrie McClintic might get first look at them.

Author of last season's 'How to Get Tough About It' and 'Casey Jones' is taking his time about polishing the scripts to his satisfaction, since it's the first time he's been financially able to hold off production. He estimates he won't have to go back to Hollywood, where he's been a film writer, for at least two years.

Defer Bein, Burr Snarl

'Dispute between Courtney Burr and Albert Bein, scheduled for a hearing yesterday (Tuesday) by the American Arbitration Assn., has been indefinitely postponed due to the illness of Mrs. Bein. Matter at issue is directorship of Bein's play, 'Heavenly Express,' which Burr is to produce.

Burr engaged Robert Steiner, author and director of last season's 'Escape by Night,' to stage the show and claims Bein okayed the selection. Bein's this. Effort will be made to hold hearing soon.

TOSCANINI \$5 CONCERT

Baltimore, Dec. 13. Sponsored by the Baltimore Opera Club, organization of local bigwigs, which puts on annual Met Opera season here, Toscanini and the NBC Orchestra will appear at the Lyric Dec. 27. House will be sealed at \$5 top with extra jolt for boxes.

WOO B'WAY MGRS. TO FAIR

TMAT Increases Dues to Ward Off Deficit; See Shubert Deal in Hub, Chi

Dues for Theatrical Managers, Agents and Treasurers' union have been raised to \$3 monthly, an increase of \$1. Boost was voted at a general meeting last week, when it was explained that the operating costs have been exceeding the intake and it would be necessary to balance the budget to prevent a deficit.

Prior to voting for the dues hike, it was proposed to raise extra coin by assessing working members, but that was nixed. Financial report showed that the total income for the year was \$32,000. There are 750 members paying dues regularly, so that the average revenue monthly approximates \$1,500. Stated that TMAT owes around \$1,000, but has notes receivable amounting to \$9,000.

The notes are from members and mostly represent a portion of the initiation fees when they joined the union. Claimed that TMAT's minimum pay scales are the highest in the country and that it has increased the salaries of press agents and treasurers particularly.

Settlement of house managers' salaries in Boston and Chicago legit theatres, in dispute between the Shuberts and TMAT, still pending, although the latter sought to deadline the issues last week. Union counsel, it was explained, was tied up, causing the delay. An agreement is expected to be made, however, when the Shuberts and TMAT get together.

It was first reported that the scale sought by the union was \$100 weekly for both cities, but TMAT has set that minimum only for Chicago, with \$85 for the Boston houses. Explained that the Hub members voted for \$85, the union officials thereupon acceding to the opinion of the locals, although originally seeking the same scale as New York. An agreement of \$35 to the present pay. A similar increase is expected to apply in Chicago, where most house managers have been receiving \$65 weekly.

TMAT membership, especially in New York, has started intensive election campaigning, although the first voting since the union obtained a basic agreement with the managers will not be held until Jan. 12. There are 27 candidates for the board, with 16 berths to be filled. Biggest percentage of candidates is among the business agents, five being in the running for the two salaried positions. Most of the other jobs are unpaid.

HOLMES, MUIR REPLACE FARMER, KAZAN IN 'BOY'

Pittsburgh, Dec. 13.

Regular tour of 'Golden Boy' ended here at Nixon Saturday night (10) but show resumes in Chicago Dec. 26 with practically an entire new cast headed by Jean Muir and Phillips Holmes. They replace Frances Farmer, who's going into new John Howard Lawson drama, which will be Group Theatre's No. 3 show, and Ella Kazan, who has been set for Irwin Shaw's 'Gentle People'. Group's second item, 'New Lineup' will be directed by Bob Lewis, of original 'Boy' cast, Harold Clurman being unavailable since he's tied up with 'People'.

Practically entire Group crowd converged on Pittsburgh last week for rehearsals of Shaw comedy, Sam Jaffe and Sylvia Sidney coming on, along with Shaw and Clurman, to join Roman Bohnen and Kazan in preliminary preparations for 'People'. Franchot Tone, who'll play the male lead, marking his return to Group after several seasons in Hollywood, was also supposed to come on but at last minute decided to await troupe's arrival in New York this week before beginning to rehearse.

TMAT's Boycott

Theatrical Managers Agents and Treasurers union is said to be the first affiliate to act on the suggestion of William Green, president of the American Federation of Labor, that its unions boycott German goods in retaliation for the persecution of Jews.

TMAT has refused to supply ticket-sellers for a Nazi merchandise show, which starts at Grand Central Palace, New York, this week.

HITLER TAKEOFF REVISED FOR EDEN

'Hellzapoppin' reached page one in Sunday (11) dailies as the result of Anthony Eden attending the performance Saturday (10) night at the Winter Garden, New York. In deference to the British statesman, who expressed the desire to see the revue, a change was made in a Hitler travesty. Another skit was also slightly revised. There were 20 in the Eden party at 'Hell' and the house was well-covered with press cameramen. Visiting Englishman, who came to New York to address a manufacturers convention, also visited the World's Fair grounds.

Business for 'Hell' has been climbing since the show moved from the 46th Street to the Garden, jump being something of a surprise to showmen. Advance sale has increased and now totals \$90,000, extending over 12 weeks, agencies reporting 'Hell' to be the topper in demand. Revue is now completing its third month and is predicted to run a year.

Garden was expected to get 'It's All Yours' ('Swing To The Left'), now being readied by Dwight Deere Wiman, but it's probable the booking will be switched. However, another change in theater is seen as hardly affecting the draw of the Olsen and Johnson show. Plans call for changes to both exteriors to further publicize 'Hell'.

Abel East for 'Birds'

Hollywood, Dec. 13.

Walter Abel gets the male lead in 'The Birds Stopped Singing,' legit play to be produced on Broadway by John Golden.

Actor starts east when he finishes his film job in 'First Offender' at Columbia.

HUDDLE ON PLANS FOR THEATRE USE

2,500-Seater at Expo Offered to Showmen, but They Consider Numerous Counter-Attractions—Main Stem Expected to Provide Ample for Amusement Seekers

BALLYHOO TO START

Although it's indicated musical shows will predominate on Broadway during the summer period of the New York World's Fair, the type of stage shows to be presented on the Fair Grounds has not yet been determined. A 2,500-seat theatre, speedily nearing completion, is being built by the Fair corporation and will be available for bookings when the policy is determined.

Originally, a regularly equipped theatre was not regarded as feasible because of the expenditure required for the comparatively limited time it would be used, even though the Fair will operate, for two years. Showmen also figured that Broadway will amply provide theatre amusement to the incoming crowds. Fair executives, however, went ahead with the construction and are now huddling with managers for suggestions as to its usage.

Board of the League of New York Theatres is considering a number of proposals for the Fair's theatre. Size of the house indicates it would be best suitable for musicals, but one suggestion is to present dramatic revivals, with stars, over two or three-week periods, at popular prices. Pointed out, however, that revivals would hardly be in tune with the Fair's 'world of tomorrow' slogan.

Revels for Fair, Broadway
It's known that managers are keeping productions intact for possible revivals during the Fair period, but such attractions will just as likely be presented in Broadway houses. Showmen appear doubtful whether performances taking between two and three hours would work out effectively at the Fair because of the numerous counter attractions. Condensed shows staged for quick turnovers are seen being favored.

Brief plays are also possible for the Fair's theatre, an adoption from the popular radio idea. During the Chicago Fair short versions of Shakespearean plays were presented as often as six times daily. Equity, which has been considering performances at the N. Y. expo site, may place a limit of three shows daily, or insist on two casts if played more often.

Gesture to Show Biz
Fair executives regard the theatre venture as a gesture to show business since private capital is not be-
(Continued on page 60)

27 Signers of Ticket Code, Some 'Outlaws' Plus Only 18 Shows Seen As Main Difficulty for Broker Beefs

SHUBERT TO DO SHOW AT THE FRISCO EXPO

San Francisco, Dec. 13.
J. J. Shubert spent several days here last week in conference with Harris D. Connick, manager of the 1939 Golden Gate Exposition, on the possibility of Shubert producing a girl show on Treasure Island, site of the Fair. It's believed set for Shubert to do the show here next year, on the mainland if not on the island. Shubert said it was possible his show, work on which will start on his return to New York, will be tried out here.

EQUITY CONCESSIONS TO AGENTS ON NEW RULE

Concessions in its recent rule requiring monthly reports from talent agents were yesterday (Tuesday) granted by Equity's Council. Under the revised regulations, the percenters must file their reports every three months instead of every month. Rule that all salaries must be listed in the reports was also modified. George Goldsmith, president of the Theatrical Artists' Representatives Assn., and Jane Broder, another legit agent, appeared before the Council to propose both revisions.

Agents claim they cannot make enough money at 5% commission to operate profitably, and sought to have the commission doubled, saying that because production is much less than in the period when the rules were made, engagements have dropped proportionately. Equity replied that 10% applies for jobs in radio and other fields outside legit, but the casters say that most of the big radio jobs are now on the Coast with the agents there getting the breaks.

Association officers say that if there are too few jobs in the east, it's likely there are too many agents. If Equity's probe discerns that some agencies are not delivering, it's likely the number of permits will be reduced. Equity argues that there then should be enough business for the survivors to operate profitably.

There are 27 ticket agencies signatory to the League of New York Theatres' ticket code, considerably more than the number of shows on Broadway, of which there are 18. That is perhaps the principal difficulty currently in the ticket situation, although brokers are still very much opposed to the ticket control system, which they claim is stifling business.

In addition to the 'accredited agencies,' there are a number of other ticket purveyors, the 'outlaw brokers.' One is the Acme agency, which refused to sign the code and was called to account by Federal men for failure to 'stamp tickets at the prices sold. Information was allegedly turned over to the government by League investigators. In 'retaliation' the agency is reported preparing a complaint against the League on the contention that the code constitutes restraint of trade.

Various claims that The League's levy of 3½c. per ticket is a racket are being mulled by the brokers. Claims seemingly are without basis, although brokers have been curious about how that money has been spent. Estimated that the League has collected around \$3,000 from the agencies, of which some coin has been spent in advertising. The League's no warning about overcharging in the ads, which state that accredited agencies display their credentials from the League.

Ignoring Levy Rules
Reported that a number of agencies are not paying the ticket levy weekly to the League, despite the rules. These have stated they cannot afford to make the payments, due to poor business. League does not seem inclined to withhold payment each week, but insists the levy must ultimately be remitted. Those holding out will be removed from the accredited list.

Patently, because there are more agencies than shows, some brokers contend they should not be required to pay because of their inability to secure allotments for all the hits. When that complaint was made to the League, latter countered by saying allotments are arranged by managers
(Continued on page 60)

3 WPA CIRCUS B.O. MEN ACQUITTED IN B'KLYN

Three boxoffice employees who were connected with a WPA circus and were charged with ticket irregularities, were acquitted Tuesday (13) in the Brooklyn federal court. Evidence before a jury consumed several days. Cases were those of Abe Halle, who was in charge of the show; Julius Spector, treasurer, and Joseph Harris, ticket taker. They have been under suspension since last summer.

Principal evidence came from a former private detective, now with WPA, who claimed to have used, at a distance of 90 feet, two 'clocks,' one in each hand, 'because there were two-priced tickets.' When the charges were first made, it was reported the investigator had observed the b. o. staff through a spy glass. Halle, who took the stand in his own defense, testified he had managed a number of major attractions on Broadway, including 'Fifty Million Frenchmen,' total gross of which was \$1,000,000. During that testimony Judge Grover Moskowitz, who presided, observed that 'those were the good old days' and Halle remarked: 'You said it, judge.'

Beatrice Denson, wife of Gustav Gerber, attorney for the Theatrical Managers, Agents and Treasurers union, appeared for the defendants.

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Plays on Broadway

Here Come the Clowns

Drama in three acts presented Dec. 7, '38, at the Booth by Eddie Dowling; written by Philip Barry; played by Phil Barry, John Dickinson, Russell Collins, John Speedy, Ralph Barker, Connie Ryan, Madge Evans, Nora Clancy, and Bertram Thorne. Dan Clancy.....Eddie Dowling
Jim Marble.....Phil Barry
Gert Marble.....Connie Ryan
Max Pabst.....John Dickinson
Freddie Ballantine.....Russell Collins
Lew Cooper.....John Speedy
Ray Farrel.....Bertram Thorne

Title is deceiving to the casual observer. 'Here Come the Clowns' is far from comic, having to do with travail among vaudevillians—a deeply serious drama. But it impresses as being among the fall's doubtful entrants.

Philip Barry can and has provided the stage with diverting plays on the gay side, but when he becomes philosophic the author's implications are puzzling. Here again he is seeking the truth (or the characters are) and although it is a novel and a fascinating display, the truth is all about remains distinctly opaque.

Story unfolds in the back room of 'Ma' Speedy's cafe. All the characters are the professionals who appear in James Conant's variety theatre nearby. Presently a big time house as the acts work twice daily, six days a week. Into the speak-easy comes Jim Marble, a ventriloquist and his new partner, a dwarf, Armstrong, a dwarf; Dickerson, the press agent; Cooper and Farrel, a song and dance team; Nora Clancy, who had walked out on Dan; La Paloma, a stage hand; and among them, Max Pabst, an illusionist who is to top next week's bill after La Paloma, a trained horse, had been cancelled.

A platform in the room affords the setting for the character studies. Under the guidance of the mysterious Pabst who declares he is not a mere magician because illusion often proves to be the truth. He induces Marble to divulge the peridy of his mate, the revelation coming through the dummy on his lap. Similarly the dwarf tells his troubled story, how he was happy with a person, how he formed his own little group up as a normal person and went on his way. That may explain why Cooper, who detests midgets, refuses to work with him. Farrel, probably fearing they may have freak children.

Into the establishment comes the befuddled stage-hand Clancy, Nora, his unfaithful wife, enters from another room and she seems to demand the reason of her quitting him.

Clancy learns from Nora that she never loved him. Then Val Gurney, her lover, whom she nearly throttles, blurts out that Nora's child had really been his. She is a pistol shot from Dickerson, caustic press agent, evidently designed for the illusionist who mentions he has brought the sordid details of the motley group into the open. Clancy appears to be shot, but the curtain falls with him seated at a table muttering and he seems to be comments on the futility of delving for the truth.

Eddie Dowling, presenter of the opus, portrays a troubled Clancy, a man of the faith, with a heart of the Old South, a former sociologist, also of song and dance shows, exhibits his most serious side, tendancy toward which he chose a year or so ago, partly in writing on 'Shadow and Substance' last season. Dowling is not the first comedian to range from the ridiculous to emotional portrayals, as witness the career of 'Dad' on 'Field' from 'Weber and Fields' days to 'The Music Master' and 'The Return of Peter Grims'.

But Leo Chalzel, playing the illusionist, is really the lead in the new drama. He, too, starts as a comic and now stands out as gifted with dramatic power. Chalzel's idea of a foreign mentalist, who insists he is a more than an artist, is as sinister as a figure as brought forth in seasons.

Frank Gaby was and still is a big time ventriloquist, going dramatic, too, without effort. Jerry Austin proves that dwarves have sensibility. The feminine end of the cast does not have an equal chance with the men, but there are Madge Evans, the up and up sister who should have shared Clancy's fate. Eve March as the Farrel girl, who cannot win her hooding partner; Doris Dudley, the slim blonde who double-

crossed Clancy; and Hortense Alden as a woman who never should have wed.

'Clowns' is another trouble play, an intellectual or heavy drama arriving at a time when people would rather be diverted than called on to listen to the woes of others. Dec.

SPRING MEETING

Comedy in three acts (four scenes), by M. J. Farrell and John Perry. Directed by John Gielgud; settings by Roger K. Furse; production under direction of Lee Epstein; presented by Gladys and Philip Merivale. In association with Lee Epstein and George Jessel, at Morosco, N. Y., Dec. 8, '38, \$3.50 top (\$4.40 opening).
Alden O'Connor.....James Cadell
Baby Furse.....Jean Cadell
Bliss O'Connor.....Doris Dudley
Michael Byrne.....Arthur Shields
Johnny Mahoney.....Gladys Cooper
Tiny Fox-Collins.....Robert Flannery

This is a slim, if fairly ingratiating comedy. It will have a somewhat limited appeal, but its zestful playing should help it to a moderate run. It opens at a tough time, however, with more than two weeks of meagre pickings to weather before it gets into the lush holiday trade. Even then it must buck the flood of incoming shows as well as the established hits. All in all, it appears due for a hard pull, but should earn a modest profit.

Play, which is by M. J. Farrell (real name is Mrs. Robert Keane) and John Perry, is currently in its eighth month in London. This comedy opens under the direction of John Gielgud, who staged the original production. Was given two warm-up weeks in Montreal and Toronto before being brought to Broadway.

Although it is Irish in subject matter and locale, the piece is typically English in flavor. It has that oh-so-jolly-old-chap sort of fiddle-faddle that Londoners seem to relish, but which frequently lands on Broadway. It's giddy, good-humored, unpretentious and, as played by the present company, seriously distracting.

Play deals with nothing more consequential than the trivial skylarking of a horsey family in County Tipperary, Ireland, their race, drinking and the conspiring of the tyrannical, pinhead-squire's two daughters to snare husbands. Except in the second act, the comedy consists of a little more than giddy banter and flighty characterization.

Although 'Spring Meeting' is blessed in its performance, it is also true that the play offers true, uniformly and delightfully actable parts. Gladys Cooper, co-presenter of the piece, is enormously captivating as the widower squire's former sweetheart who has come back to co-habitate with his daughters and marry him. Except for her second-act gown, which is unbearably tight, she also makes an attractive presence.

As the starchy squire, A. E. Matthews gives his customary capital performance. In one of their second-act exchanges, Miss Cooper swipes one of his laurels by a comical reading of her feed line, but that's doubtless by permission.

Equally good is the vastly personable performance of Jean Cadell as the crotchety old aunt who traipses about in outlandish rig, with a hotwater bottle stowed inside her hudds against the chill weather and busied with her pen in her purse against tomorrow's horse races. It's a hilarious part and Miss Cadell tickles it right into the boobyhatch where it belongs.

Alden O'Connor, previously seen on Broadway with the Abbey players, scampers gleefully through the part of the likable younger sister, while Shelah Richards, another Abbey alumna, makes the most of the dramatic older sister role. James Woodburn plays the domineering squire with a mixture of gravity and humor. Arthur Shields, still another ex-Abbeyite, has a comedy field day as an enchantingly indolent hired man. Robert Fleming is insouciant enough to be active in the love triangle, and Denis Carey is properly tense as the stable-boy suitor.

While the opening night performance seemed somewhat unconvincing at times, it may be because the players have expanded their playing since they're beyond Gielgud's directorial reach. But in any case the script and the play are of the highest quality and the production is of the highest quality. It was rather obvious opening night that neither the curtain call nor Miss Cooper's performance had been rehearsed—in the latter case with embarrassing result. Hobe.

HOUSE'S INITIALER, 'ROAD'

Hamilton, O., Dec. 13.
'Tobacco Road,' with John Barton, which has been playing full weeks nearby, will play one night at the 1,450-seat Paramount here, Jan. 5. This will be first time the house, originally built sans stage, has played a dramatic production: Stage was added two years ago.

PLAYS OUT OF TOWN

Merchant of Yonkers

Boston, Dec. 13.

Farce in four acts presented at the Wilbur, Boston, Dec. 12, '38, by Herman Shumlin, with the Boston Players (Boston) on a comedy by Johann Nestroy; staged and directed by Max Reinhardt; production designed by Ben Aaronson; Jane Cowell starred.
Horace Vandergelder.....Percy Waram
Amber Kipper.....Bartlett Robinson
Joe Seaton.....Philip Coolidge
Gertie Van der Klip.....Gertie Van der Klip
Cornelius Hackl.....Tom Ewell
Brennender.....Frances Harrison
Fletcher Stacks.....Joseph Sweeney
Mrs. Levi.....Jane Cowell
Barnaby Tucker.....John Call
Miss Minnie Fay.....Nydia Westman
Caliban.....Ward Bond
Rudolph.....Max Wilentz
August.....Peter Stravrel
Mrs. Van Housen.....Minna Phillips

Maybe Broadway will take another good costume piece, but 'Merchant of Yonkers' does not make the grade although Thorne's wit and Jane Cowell's writing and plotting have charm. Max Reinhardt's direction, however, has the players over-acting to distraction. This in addition to Jane Cowell's hand-waving. Nor does a generally undistinguished supporting cast and such corny stage technique as characters hiding behind scenery and the like make the play matters except for solid Cowell fans.

Vandergelder, a cranky, miserly 60-year-old Yankee storekeeper of the early 80's, a widower 'feeling young enough to seek another wife.' Mrs. Levi, an old friend, offers to act as a sort of marriage broker and they set out for New York City to interview two prospects she has lined up. At the same time his two over-worked clerks, Hackl and Tucker, and their meager savings and go to the big town for a spree. They tangle with Mrs. Malloy, one of the bridal prospects, and with her assistant, Minnie Fay, and in a champagne party at a smart cafe.

The merchant finally proposes marriage to the agreeable Mrs. Levi (also also) and she agrees to marry him, enough to forgive his over-worked clerks, and bless the elopement of his swooning niece and a brash young artist.

The secondary plot involving the adventures of the bumptious clerks is more amusing than the main theme, and Miss Walker as the jolly milliner is largely responsible. Nydia Westman does a very successful assistant. And Tom Ewell and John Call ultimately make the clerks seem plausible. Minna Phillips as Mrs. Van Housen in the final act, registers well.

Percy Waram's character is stronger than Jane Cowell's, but this is a matter of writing rather than acting.

Mrs. Levi and several other people of the play come down to the footlights for philosophical chats with the audience and seemed to delight the customers. The four sets remind one of old-fashioned vaude flats. Millinery shop is the standard. Fox.

ONCE OVER LIGHTLY

(TRIANGLE CLUB)

Princeton, Dec. 10.
Princeton University Triangle Club presents 60th annual production, musical comedy, 'Once Over Lightly,' by Edward R. Uhl and Alexander H. Lehmann, Jr.; music by Sanders Maxwell. At McCarter theatre, Princeton, Dec. 9, '38.

Seems to be the practice of universities these days to send out scouts to see what other colleges are doing in the way of annual productions. Such is the impression created by 'Once Over Lightly,' for a striking resemblance to this year's U. of P. Mask and Wig effort. 'All Around the Town,' is nothing short of amazing in its feasting tone of previous Triangle efforts. One of the major weaknesses of this year's production is the dearth of catchy or even suitable tunes. This becomes all too apparent after getting a good taste of those classic (the late) Brooks Bowman numbers of two and three seasons back, or such brilliant examples as the 'emphatic' 'The Night of the Night' from the 1924 'Drake Drum.' Under the circumstances, it may be wiser showmanship not to stir up memories of those hit-tune.

(Continued on page 61)

Inside Stuff—Legit

Poor business rather than booking limitations is claimed to have caused Phil Baker to close 'Idiot's Delight' at Toronto, Saturday (10). Attendance in Montreal was so disappointing, despite a favorable press, that one reviewer wrote a follow-up in which he berated the citizenry for failure to support 'Delight,' rating it much above 'Spring Meeting,' a London import, which opened there recently, and which received a fairly good reception at the Morosco, New York, last week.

Walter O'Hearn, in the Montreal Herald, saying that 'Delight' is fine dramatic writing and a brave theatrical enterprise, warned the localities that 'after years of darkness we are lifting our heads again, theatrically speaking. The best touring shows are seeking dates here, but if we treat one of the better shows of the century in this half-hearted fashion, can we really blame producers if they dismiss us as poor risks and book their shows straight through to Toronto?' He rated Baker's performance exceptional. Theatre Guild, which produced the original show with Alfred Lunt and Lynn Fontanne, refuted claims by Baker, stating that when he sought road rights it was agreed that he play Canada and the Pacific Coast. Baker sought southern territory, but the Guild reserved that section for a planned repertory tour by the Lunts. New York and Chicago were also excluded, because the Guild will bring the stars back to Broadway with a five-play repertory to be presented next spring after the World's Fair opens. Lunt had telegraphed Baker that there was no objection to him showing in Chicago, but the Guild nixed permission.

Guild pointed out that the Lunts fared very well with 'Delight' in Buffalo, despite Baker's claim the show did not draw there. Attraction, with the Lunts, grossed \$11,000 in four performances in the upstate city, and during that week, which was split with Providence, Hartford and Rochester, the total takings were \$31,000. When the Lunts played New Haven for a half week, the gross was close to \$10,000, while Baker's appearance there drew around \$1,650. His week in Montreal was slightly over \$5,000, resulting in considerable loss. Baker proposed to tour throughout the season. He had appeared in 'Delight' last summer, playing countless showshops. Figured that during the recent, brief tour, the loss exceeded \$20,000.

String that works the jaw of the dummy used by Frank Gaby, who plays the ventriloquist in 'Here Come the Clowns' at the Booth, N. Y., broke during the second act Friday night (9). Since it was a tense emotional scene, Gaby had to move the dummy's jaw by poking his finger into the back of the head so as not to let the mishap become known and thus spoil the effect of that portion of the drama.

Photographs fastened on the set in 'Clowns' are actual ones used in the heyday of vaudeville. They were supplied by George Freedley, from the theatrical collection in the New York Public Library. One of the pictures, of Leo Chalzel (in 'Clowns') and Herman Timberg, was taken when they played the Palace, N. Y., nearly 15 years ago.

Eddie Dowling, producer and lead in the Philip Barry play, is onstage when the curtain goes up. It's the first time in his 28 years on the stage that he's ever opened a show.

Book-of-the-Month almost established a precedent by selecting 'Abe Lincoln in Illinois,' Robert E. Sherwood's play, which would have been the first time a play in book form would have been so signaled. However, the departure was deemed too radical and it fell through.

Scribner's publishes all of Sherwood's stuff, an obligation that dates back to the dramatist's early literary days, when that firm first gave him consideration. Because of that, although Bennett coped (Random House is Sherwood's personal friend, the other firm gets publishing rights).

Jules Garfield, known as John Garfield, in Hollywood, will return there shortly for final scenes in 'Warners' 'Juarez.' His stage appearances have mostly been with the 'Group Theatre.' He had been slated to appear in 'Gentle People' but Franchot Tone will have that assignment instead. Play is due into the Belasco, N. Y., early in January, the Group's current 'Rocket to the Moon' moving from there to the Windsor. Garfield's visit east was principally due to the illness of his father.

Blanche Yurka advised Equity's Council, of which she's a member, that 'Gloriana' would not resume at the Little, N. Y., where it closed Nov. '29 after four days, until after Christmas. Indications, however, are that the play will not go on again. Cast has been paid two weeks' salary. Miss Yurka is said to have backed the show. House will present Ruth Draper for a series of evenings.

Meehan Angelling Play

John Meehan, scenarist, is bank-rolling 'William's Wife,' a legit play to be presented on Broadway by Brewster Morgan, a radio producer, as soon as he can line up a cast.

Play, by Tom Lennon, deals with the life of Shakespeare.

Woo B'way Mgrs.

(Continued from page 59)

ing used for its building and equipment. Virtually all other enterprises at the Fair call for concession fees, if not considerable construction outlays. Shows to be presented there will probably play on percentage, terms to be much the same as on Broadway. Fair's theatre now known as the Music Hall will be on one floor in stadium style. Cost is said to exceed \$200,000. House equipment will include amplification and can be used for talking pictures.

The Fair's advisory committee on entertainment is headed by a manager, John Golden, and includes other leading producers. Showmen were recently advised of the Fair's promotional activities, to be largely concentrated along Broadway, which is expected to draw a big percentage of expo visitors. Ballyhoo will be big. New Year's Eve and shortly thereafter international radio programs are scheduled.

San Francisco's Golden Gate Exposition will also have a theatre, part of the Federal building being built at a cost of \$5,000,000. It's planned to present shows under WPA auspices, which is being opposed by commercial showmen. The issue, however, has not yet been settled.

Ticket Code

(Continued from page 59)

individually and that originally there had been no assurance given that all agencies would be supplied.

Federal agents arrested two persons in the office of the New York Giants' professional football team last week after paying more than the established price for tickets for the Giants-Green Bay Packers game Sunday (11). Those held are Helen Simmons Mara and a man who gave his name as Charles Chaplin. Former is niece of Tim Mara, who controls the Giants.

Held in \$250 Bail

Those under charges explained there had been a mistake in making change, the overcharge being \$10 on a purchase of eight tickets. They were held on bail of \$250 each. Understood the Government agents made several ticket purchases with similar results.

While the general charge is the failure to stamp tickets when sold above the established price, in this instance it's not merely a matter of the tax collection getting 10% of the amount paid. Admissions tax law also provides that if a manager charges more than the established, or box office, price, half the overage is payable to the Government.

While the aforementioned Giant-Packer ticket matter is not linked with the League, it explains why theatre operators no longer accept additional collection from ticket agencies, for the law applies to tickets for all places of admission. It is the sale of tickets for all events outside legit for more than the 75c maximum premium fixed by the code that is said to have earned the money required for a number of brokers to operate this fall.

Australian and New Zealand Theatrical Managing Directors Frank S. Tait, S. C. Crick, G. B. Dean, Present.

VIOLET CARLSON
as the Star of
"BALALAIHA"
ROYAL THEATRE
SYDNEY, AUSTRALIA

Lunt's 'Amphitryon' Sock \$20,000, Chr, Cohan \$44,000, 'Susan' 15G

Chicago, Dec. 13. New dramatic leader arrived in town last week when 'Amphitryon' 38' came into the Erlanger for a month's gallop, two weeks of which will be under the auspices of the American Theatre Society subscribers. Despite ATS low-priced duels for initial weeks, the Alfred Lunt-Lynn Fontanne billing assured capacity hit, and at the new top of \$3.30 jammed close to \$20,000 into the Erlanger.

ATS will follow 'Amphitryon 38' with the Lunt-Fontanne 'Sea Gull' and wind up its subscription season in January with 'Our Town'. 'Shadow and Substance', originally figured for ATS auspices in Chicago, comes in on its own, booked into the Selwyn on Dec. 26 following the current 'Whiteoaks'. The Ethel Barrymore show has not done well locally, though the play has been garnering plenty of shekels in other dates on tour. 'Whiteoaks' is scheduled for a week when finishing its Chicago stay on Saturday (17) and then reopen in Minneapolis to continue its tour.

Also winding up this Saturday (17) will be 'Id Rather Be Right' in the Auditorium. Originally figured for a trio of stanzas, the demand has been so great that the holdover session was imperious. Despite the Auditorium, show could continue on to capacity for several weeks on its present pace. Will 'lay off' for a single pre-Christmas week and then go on to next stand.

Gertrude Lawrence show doing well in the Harris in its ninth week and will continue at fat profit pace through to its closing date Dec. 23. Likely that it will be replaced in house by 'What a Life'.

Second company of 'Golden Boy', with Jean Muir and Phillips Holmes, is set into the Grand for Christmas night opening. Group sending second company is due to smash biz the original cast turned in at the Harris at the start of the season, with the show going out long before its box office strength had been appreciably dissipated.

Estimates for Last Week
'Amphitryon 38', Erlanger (2d week) (1,400; \$3.30). Capacity trade here, and a cinch to continue at sell-out pace for the four weeks of the pre-Xmas or 'Id Rather Be Right' loved by 'The Sea Gull' Initial week, even with a sliced rate for ATS subscribers, \$20,000, immense.

'Id Rather Be Right', Auditorium (4th and final week) (1,000; \$3.30). Sensation of local legit history, with customers begging for seats despite size of house. Apparently inexhaustible supply of playgoers for this one. Again a superb week, last week, with takings nearly \$4,000.

'Susan and God', Harris (8th week) (1,000; \$2.75). Bit of weakness during some of the mid-week evenings but the matinee and special nights still sell-outs. Which means continued excellence of coin here at better than \$15,000.

'Whiteoaks', Selwyn (3d and final week) (1,000; \$2.75). Ethel Barrymore billing getting what trade this show is managing. Will lay off after this week and re-open for Christmas for continuations of road tour. Took down some \$7,500 last week, so-so.

WPA
'Prologue to Glory', Blackstone. Closed here on Thursday (15) after good stay.

'The Mikado', Great Northern. Has been exceptionally strong.

'Blossom' Opens Poorly, Finishes to Nice \$11,500

Detroit, Dec. 13. Seventeenth visit to Detroit of 'Blossom Time', perennial visitor at the Cass, started poorly last week but ended well. Critics praised comedy, rating it best to appear in 'Blossom' here.

Current is 'What a Life', in for week's stand, at \$2.75 top.

Estimate for Last Week
'Blossom Time', Chicago (22nd). Sell notices got nice \$11,500.

'Mice,' \$7,500, 2 Cities

Minneapolis, Dec. 13. 'Mice and Men' and 'The Grapes of Wrath', but its realism was too shocking for feminine trade. Biz profitable, however, even though running far under what attraction merited.

Estimate for Last Week
'Mice and Men', Lyceum (2,100; \$2.75). Upper shelves almost filled each of four nights and the one matinee show played well.

'The Grapes of Wrath', satisfactory. In St. Paul, pulled poor, \$1,500 in two nights and matinee.

'Road,' House's First Legit

San Francisco, Dec. 13. Hall Johnson's 'Run Little Chillun' will open at the Geary here Monday (26). Production under the direction of the author, who will direct an orchestra of 25. Cast comprises 165 members, nearly 100 of whom are singers.

'Women' \$4,200, 'Life' \$3,000, Indianapolis

Indianapolis, Dec. 13. English theatre, splitting a full week between 'The Women' and 'What a Life', the former a repeat and the second making its first appearance, found the customers detouring the box office with nothing to come but the Christmas shopping season. Last full week house has had, but both plays turned in grosses which were mildly so-so.

Estimates for Last Week
'The Women', English (1,500; \$2.50). Return engagement playing three evening performances and matinee on first half of the week garnered a mild \$4,200.

'What a Life', English (1,500; \$2). Playing last half of week, with three evening performances and Saturday matinee, not up to expectations at \$3,000, despite very favorable reviews by local press.

TOWN' \$11,200, OKAY, BALTO

Baltimore, Dec. 13.

'Pins and Needles', currently at Ford's, off to good start aided by promotion among local garment workers and fair mail order and advance response. Smartly scaled at \$2.20 top, musical is headed for profitable week in spite of pre-holiday blues being generally sung here.

Thanks to steady response for lower priced seats, 'Our Town' last week at Ford's did a nice \$11,200. Good reception by critics, but mixed reaction from stub holders.

Town dark next week. George Abbott's 'The Primrose Path' set for a pre-Broadway try at the indie booked Maryland, Dec. 26.

Estimate for Last Week
'Our Town', Ford's (1,900; \$2.75). Healthy response for cheaper seats helped towards satisfactory \$11,200. Might have gone more with wider audience reaction ranged from raves to puzzling doubt. Reviews good.

'SHADOW' GARNERS NG \$8,400 IN CLEVELAND

Cleveland, Dec. 13.

Wholesale postponements of roadshows and skidding grosses are eight-balling the Hanna, which is being forced into darkness for next three weeks. Shubert's yanked 'Blossom Time', skidded for current week, at the eleventh hour in an unprecedented switch. House not only had down two weeks but had to refund over \$1,000 in advance sales.

'Shadow and Substance' last week did brutally low business until crux did somersaults in laudatory notices. Pick-up came too late for Sir Cedric Hardwicke's troupe, which filled the balcony, but couldn't catch the \$2.50 pew-buyers. In eight performances it barely collected \$8,400.

Postponements of 'Blossom Time' and Fred Stone's 'Lightnin' sent Manager Bill Blair flying to New York in search for attractions to save the day. Next date is Sinclair Lewis' 'Angels in 32' for Jan. 2, with nothing definite after that. Play House also suffering from drop with 'Volpone' and 'Yes, My Darling Daughter'.

Company at Manhattan is starving, even with two-for-one ticket inducements.

Estimate for Last Week
'Shadow and Substance', Hanna (1,435; \$2.50 top). Discouraging \$8,400, and luck, but that figure with Christmas buyers shopping for everything but plays.

'Tobacco Road' 10G

On 5th Cincy Try

Cincinnati, Dec. 13. Burg is sans legit this week. 'Tobacco Road', with John Barton, which played its fifth Cincy engagement last week, returns to the Cox next week. House has no Christmas-week booked thus far.

'Our Town' with Frank Craven at \$2.75 top Jan. 2, 3 and 4.

Estimate for Last Week
'Tobacco Road', Cox (1,335; \$1.70). Pop price a b. o. upper. Played to near capacity last half and last week, fetched swell \$10,000, only \$2,000 below play's pull here last season.

'Yonkers' Soloing In Hub; Five Are Set

Boston, Dec. 13.

'Merchant of Yonkers', by Thornton Wilder and directed by Max Reinhardt, opened last night (12) with Jane Cowl starred. No opposition during two-week run slated here.

'Set to Music' opens Dec. 26: 'A Moral Entertainment', Dec. 27; 'Dear Octopus', Dec. 28; 'Victoria Regina' (return engagement with Helen Hayes), Jan. 9, and 'It's All Yours', Jan. 16.

Hampden's 'Calamity' \$7,500, Philly; Four Openings on Dec. 26

Philadelphia, Dec. 13.

Legit situation stays unchanged in local sector. This and next week, find city's four regular show-houses dark, as expected, with the entire quartet bowing in with bookings on Dec. 26.

Last of the legits to call a halt for a pre-holiday vacation was the Erlanger, which went dark for a fortnight after last Saturday's performance of 'A Successful Calamity'.

Walter Hampden's revival of the Clare Kummer comedy was considerably more successful than same star's attempt with du Maurier's 'Tribly' previous week. With curtailing a help, 'Calamity' garnered \$7,500.

Four openings on the 26th including 'The White Steed', dramatic try-out production of a new Paul Vincent Carroll play for two weeks; 'Victoria Regina', which is skidded for single week; and 'The Merchant of Yonkers', which is skidded for single week.

'What a Life' is returning after an indefinite stay at the Locust, and 'Yes, My Darling Daughter' in for a return engagement at the Erlanger. 'The Women', is skidded for two weeks beginning January 9 at the Forrest and the O'Drury Carte Company is set for the same house in March. Erlanger is announcing, with no date given, another return of 'Tobacco Road'.

Plays Out of Town

(Continued from page 60)

days, for it cannot but help build up to an awful letdown.

As is, in the current number with chances for commercial popularity is 'Just Because', by Sanders Maxwell, Triangle Club prez.

Plot has a historical twist, but most of the action takes place in modern New York City. Keystone of the story is the finding and fight for possession of the original deed to Manhattan. What happens in the end is obvious from the start, but what comes next provides twists that manage to hold some attention.

Acting on the whole is acceptable although the romantic leads played by Henry H. Bertram as 'Dick', and T. Berry Brazelton as 'Sally', are for the most part uninspired. Dance routines are effective, but best bit of footwork is the 'Five o'Clock Rush Hour' ballet, conceived by James Hines and Karl Norton. Norton's individualism placed him as one of the best all-around terpsichoreans to hit the Triangle boards in many a year.

Settings are so-so. Rosen.

Current Road Shows

(Week of Dec. 12)

'Amphitryon' — 'Sea Gull' (Lunt and Fontanne), Erlanger, Chicago.

'Central Caste' (Esther Reilston), Shubert, Brooklyn.

'Id Rather Be Right' (George M. Cohan), Auditorium, Chicago.

'Merchant of Yonkers' (Jane Cowl-June Walker), Colonial, Boston.

'Of Mice and Men', American, St. Louis.

'Our Town', National, Washington.

'Pins and Needles', Ford's Baltimore.

'Shadow and Substance' (Cedric Hardwicke), Paramount, Toledo (12); Hartman, Columbus (13-14); Victory, Dayton (15); English, Indianapolis (16-17).

'Susan and God' (Gertrude Lawrence), Harris, Chicago.

'Tobacco Road', Charleston, (12-14); Huntington, West Va., (15-17).

'What a Life', Cass, Detroit (11).

'Whiteoaks' (Ethel Barrymore), Selwyn, Chicago.

'Women', Nixon, Pittsburgh.

Pendleton's New Play

Boston, Dec. 13.

'Transient Breath', new play by Ralph Pendleton, will be presented by the Paint and Powder Club of Wesleyan University here at Peabody Playhouse Dec. 30 and 31.

Same B'way Leaders, 'Leave It' \$34,000, 'Abe' \$21,000, 'Lady' Slow 12G; Two In, 'News' Off

Broadway is in its annual pre-Christmas slump, with declines in grosses evident barring a few exceptions. Three leading musicals and a couple of straight plays held to virtual capacity form. 'Hello, Pop!', which has the strongest ticket call, went upward to \$31,000 with standees for all performances. 'Leave It to Me' was over the \$34,000 mark with 'The Boys From Syracuse' in contention with \$30,000. 'I Married an Angel', former leader, eased down to \$20,000, but okay. 'Abe Lincoln', the dramatic leader, easily held its \$21,000 gait and 'Kiss the Boys Goodbye' varied only in the box seat sale.

This is a bye week, with no premieres, but recent entrants are in the doubtful category. The expensive 'Great Lady's' first full week drew around \$12,000, which was in the red. Initial week of 'American Landscape', Cort, was mild at \$6,000. Of last week's two debuts 'Spring Meeting' has a chance at the Morosco for moderate success, but evoked a difference of opinion. 'Here Come the Clowns', Booth, drew a more mixed press. Both were mid-week openings.

This is the concluding week for the repeat engagement of 'Victoria Regina' at the Beck, which will house the D'Oly Carte opera troupe with Gilbert and Sullivan cards shortly after the start of the year. 'Sing Out the News' is laying off two weeks, but is due to re-light at the Music Box Dec. 25.

Next week's incomers include 'Window Shopping', Longacre; 'Outward Bound' (revival), Playhouse, and probably 'Blackbirds', 44th Street. WPA also lists two openings, 'Androcles and the Lion', Lafayette, and 'Pinochio', Ritz.

Christmas week premieres are 'Everywhere, I am a Room', National; 'Bright Rebel', Lyceum; 'Don't Throw Glass Houses', Vanderbilt; 'The Merchant of Yonkers', Guild; 'Michael, Props in, Golden; 'Blossom Time' (revival), 46th Street. Importance of Being Earnest, probable.

Estimates for Last Week

'Abe Lincoln in Illinois', Plymouth (9th week) (D-1,036; \$3.30). Fastest sprinter among straight plays drawing around all performances to around \$21,000.

'American Landscape', Cort (2d week) (D-1,059; \$3.30). Theatre parties by organizations may keep drama going for a time; first full week around \$12,000.

'Bachelor Born', Broadhurst (47th week) (C-1,107; \$3.30). Neering year's mark; surprising stay for mild grosser, which operates with low cost, most cost-cutting; \$4,500.

'Boys from Syracuse', Alvin (4th week) (M-1,255; \$4.40). Lookers set for long stay; newest musical called rated around \$30,000 which is virtual capacity; lively demand in agencies.

'Great Lady', Morosco (3d week) (M-1,717; \$3.85). Weak press for opera resulted in unfavorable box office reaction; first full week around \$12,000, not enough for this musical.

'Hello, Pop!', Victory (13th week) (R-1,671; \$3.30). Riding high with advance sales steadily mounting; standees at all performances with takings last week \$31,000.

'Here Come the Clowns', Booth (2d week) (D-704; \$3.30). Opened last mid-week; drew mixed notices mostly unfavorable and chances appear doubtful.

'I Married an Angel', Shubert (32d week) (M-1,367; \$4.40). Eased downward since Thanksgiving and the end of the year musical hits; rated over \$20,000 last week, very good at this stage of run.

'Kiss the Boys Goodbye', Miller (12th week) (C-844; \$3.30). Getting better; house will hold no standees permitted; gross approaches \$16,000 right along.

'Leave It to Me', Imperial (6th week) (M-1,468; \$4.40). Holds leader slot on Broadway; drew \$34,000 which is all house will hold, although slightly more was estimated; standees right along.

'Knickerbocker Holiday', Barrymore (9th week) (D-1,096; \$4.40). Eased off last week when the gross was around \$17,500 mark; said to turn good profit at that level and eased through winter.

'Oscar Wilde', Fulton (10th week) (D-913; \$3.30). Also went off somewhat in general pre-holiday decline; around \$15,000, very good, nonetheless.

'Rocket to the Moon', Belasco (4th week) (D-1,000; \$3.30). Averages three theatre parties weekly; paced around \$9,000 and okay for one set, short cast show.

'Sing Out the News', Music Box. Closed until Dec. 26 after playing 11 weeks; no improvement for moderate gains among musicals; \$13,000.

'Spring Meeting', Victory (2d week) (CD-861; \$3.30). Opened late

last week drawing divided notices, though most of them conceded imported comedy chance.

'Tobacco Road', Forrest (262d week) (D-1,107; \$1.65). Not much fluctuation in business of long-run drama, which approximates \$4,500, with some weeks over \$5,000 mark.

'Victoria Regina' (repeat) Martin Beck (11th week) (CD-1,214; \$3.30). Final week; stayed longer than originally announced with profitable attendance, three times 14,000 again; going on road after holidays.

'What a Life', Biltmore (35th week) (C-691; \$3.30). Around \$4,000 or slightly over, but setting by with cost sharing arrangement; next attraction, 'The Primrose Path' due at holiday time.

Revel
'Hamlet', St. James (10th week) (D-1,520; \$3.30). Still getting profitable business with attendance heavy on upper floors; \$14,000 estimated.

Added
'Pins and Needles', Labor Stage (55th week) (R-500; \$2.75). Making 'Pins' a solid, but setting by last through winter; takings rated better than \$5,500 weekly; okay for trade unionists.

'The Gaily from Wyoming', American Music Hall (8th week). Potful of equalling stay of predecessors in night club spot; mild attendance.

WPA
'The Big Blow', Elliott.

'PINS' \$13,500, D.C.; 'TOWN' IN

Washington, Dec. 13.

'Pins and Needles' wallowed in publicity, packed in political celebrities and played to three houses bought on the solid by sympathetic labor organizations in first paid-admission presentation here. Balconies were full, but carriage trade was lighter than usual, due partly to fact that those who had seen it on Broadway, and partly due to word-of-mouth on political attitude.

Current is 'Our Town'. Next week is 'The Women', skidded for return engagement during Christmas week (26).

Estimate for Last Week
'Pins and Needles', National (1,698; \$2.75 top). Publicity and three benefits carried week to \$13,500.

'BOY' FINISHES STRONG IN PITT WITH \$13,800

Pittsburgh, Dec. 13.

'Golden Boy' came through nicely at the Nixon last week, finishing strong after moderate start. Had American Theatre Society backing, being third subscription play of the series, but got most of its coin from window sales. Show received critical rave.

Nixon has 'Women' current, a return engagement, and then goes dark next week for second time this season, reopening Dec. 26 with 'Our Town' and 'Id Rather Be Right'.

Estimate for Last Week
'Golden Boy' (Nixon; 2,100; \$2.75). Town went for Group Theatre play in big way. Play did \$13,800. Frances Farmer's film 'rep' in big play for cheaper seats.

'Dracula' \$2,000, B'klyn

Brooklyn, Dec. 13.

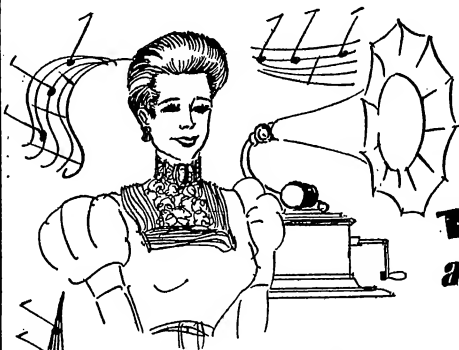
Several disappointments among the legit effort. 'Dracula' at Shubert, scared 'em away, hence drew only meager \$2,000, while new opus on view at St. Felix, 'If You Get It, Do You Want It', was definitely on red side of ledger.

This week there's considerably more doing. Shubert is trying out a new play for the first time since it reopened. 'The Grapes of Wrath', farce with Hollywood background by Nicholas Costantino, due on Broadway later in month. Brat-torbo is rehearsing modern version of 'Merchant of Venice' for January unfolding.

Yiddish drama getting strong nod in Brownsville area where the Goldberg-Jacobs team is offering 'Nation Without a Home' at Parkway theatre.

Estimates for Last Week
'Dracula', Shubert (1,750; 25-85). Satisfactory production but no attendance \$2,000 in two weeks' effort.

'If You Get It, Do You Want It', St. Felix (287; 50-\$1.50). Second and last week of this play was disappointing. House now dark, reopening next month with new opus.



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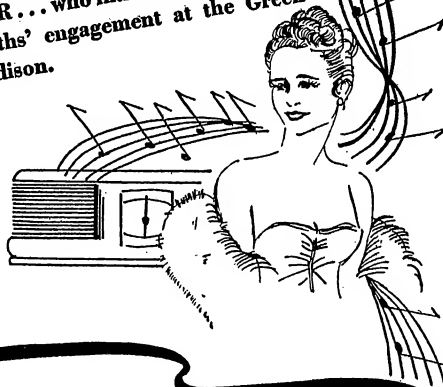
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48 PAGES

SPONSORED LEGIT TOURS

'Fatigue' of Television Handicaps; Predictions All '5 Years or More'

Philadelphia, Dec. 20. Current stir over television in this country is so much bunk in the opinion of Carleton L. Dyer, managing director of Philco Radio & Television Corp. of Great Britain. Dyer has been visiting the Philco plant here.

'Much ado about nothing is the way I feel about the present excitement in America over television,' he declared. 'We have had good television in England for two years and less than 4,000 people have found it of sufficient interest to invest as little as \$105 in a receiver.'

Dyer forecast, however, a more rapid rise of radio here than in England because development and erection of transmitters will be in competitive hands, not controlled by the government. Nevertheless, he said, he foresaw no national acceptance or demand in less than five years. In addition, he feels more experimentation is needed before radio can become a great industry.

Fatigue, Dyer said, has been the principal cause of radio's lack of success in England. 'We are living in a fatiguing age,' is his explanation, 'and radio sound programs, calling up only the effortless faculty of listening, have eased the strain. We can

(Continued on page 47)

Can't Even Give Away Things If Announcer Hasn't Winning Throb

Cleveland, Dec. 20. Clocking of phone calls during six test weeks by West End Laundry proved to WRK that even free laundry can't be given away unless the talk is okay.

As a biz-hypo the sponsor has been handing out free bags to every listener who called station during broadcast, plus gratis laundry service for one load to every fifth person. First broadcast brought 23 calls. Then it slipped down to seven. Surprised by inexplicable slump, backers asked for a change in announcers.

After Guy Wallace handling commercials and Carl Mark for continuity were put on, phone calls jumped to 15 and then to 33 in one night. Results sold West End, which hadn't been hot about radio, to point of a renewal.

'F.D.R. JONES' BELITTLED?

Buffalo, Dec. 20. Maestros Ray Sinatra and Johnny Long were informed by WBN that they mustn't use the song 'F. D. R. Jones' in broadcasts. Musicians find the ban especially puzzling inasmuch as the tune and its words frequently come through WBN via NBC Red network programs.

Station's attitude is that ditty might be construed as belittling the Chief Executive.

Iturbi's Own Plane For Concert Dates

Rochester, N. Y., Dec. 20. Jose Iturbi, maestro of Rochester Philharmonic orchestra, has bought cabin plane in which he plans to fly to his engagements in cities throughout the country. He has had 40 hours of flying experience.

Iturbi will take delivery of the plane in April and proposes to fly immediately for engagements in South America. In the past he has used commercial planes and is noted for arriving at concerts with few minutes to spare.

PAR DEFERS TO M-G ON ITS XMAS FILM

Paramount has withdrawn distribution of 'Scrooge,' an English production based on Charles Dickens' 'Christmas Carol,' which had been scheduled for release Xmas week, and all bookings secured in the past two months have been cancelled. Metro's similar subject, produced this fall, starring Reginald Owen as 'Scrooge,' is going out on release, as scheduled.

Theatres which had booked the (Continued on page 47)

'Premature' Death Libel Suit Ended By Toto's Demise at 50

A libel action for \$50,000 was being prepared against the New York Daily Mirror by Toto, the clown (Armando Novello) just before he was stricken Dec. 4 with appendicitis, from which he never recovered. Paper had printed a feature story in magazine section of its Sunday edition on Nov. 27 in which Toto was described as having died a pauper after being the highest paid clown.

The day his attorney, Johnbacher, went to Mamaroneck, N. Y., for him to sign the papers, Toto was rushed to a hospital. Peritonitis set in and clown never recovered. He died Dec. 15 at 50. His estate may yet sue.

Much irony surrounds story written by Hugo Roboz, former foreign editor of the Mirror. Two days before the Toto story appeared the writer died. The clown was booked for an Xmas week comeback engagement at the Oriental, Chi., at \$650 for the week.

Toto had been operating the Greenhaven Inn, Mamaroneck, N. Y., since retiring from show biz.

GEN'L ELECTRIC'S TWO COMPANIES

10 Weeks on the Road Guaranteed—Three-Act Play to Dramatize G.E. Sales Methods and Arguments

IN BALLROOMS

Two all-Equity troupes to play guaranteed 10-week road tours and offering a three-act legit play are being bankrolled by General Electric Co. to hypno sales. Complete productions including stages, scenery, lighting, costumes and props, costing about \$25,000 each and carrying a company of 20 people, will be used. Performances will be given in hotel ballrooms before audiences of GE agency men, with one troupe playing the east and the other covering the west.

Drama to be presented was written by Carle Robbins, former legit player and now of GE's Cleveland office. Besides actors, each company will include a manager, stage manager, stagehands, electrician, carpenter, etc. Nut for actors alone will run about \$1,200 to \$1,500 weekly for each company. Only matinees will be played and only a single performance will be given in each city. Actors are being paid salaries, transportation expenses and meals while traveling. Idea of the play is to dramatize sales methods and sales arguments. Western company is to open Feb. 2 in Kansas City. Eastern troupe opens Jan. 30 in a town to be selected.

Although the venture does not come under Equity's jurisdiction, the association has approved it. Casts for the two companies are already selected, but will not be announced until the special contracts have been approved by attorneys and signed by the players. Robert Kennedy, of Lyons & Lyons agency, did the casting. General Motors, Firestone and one or two other large concerns are reported considering similar plans.

LIMITED SANTA GRAVY THIS YR.

Bonuses within show business will be at a minimum this year. Total to be given will add up to much less than was passed out last Christmas. This includes the bonuses usually passed out by home offices as well as by theatre chains.

Payments under consideration range from a week's salary to those earning up to \$40. The brackets may be increased up to \$100 weekly in those companies whose annual income this year has been better.

Bermuda's Tourist Boom Inspires Equityized Dramatic Stock Co.

Guild May Force B'klyn Eagle to Quit This Wk.

Newspaper Guild and Frank D. Schroth, publisher of Brooklyn (N. Y.) Eagle, go to mat today (Wed.) over latter's determination to fire 20% of editorial and business staffs or put through proportionate cut if all employees are retained.

Claiming paper is losing \$100,000 a month, Schroth threatens to suspend the paper altogether this week if Guild nixes his bid. Today's the deadline.

With the growing popularity of Bermuda as a vacation spot for show business people, a regular stock company is being readied for the island. Construction of a theatre in Hamilton is to begin right after the first of the year, for scheduled opening March 1 for a 10-week season. Equity has been consulted on the proposition and has given a tentative okay, but no bond has been posted because final word has not been received from the Bermuda authorities about whether American or English actors would be required. Islands are a British possession.

Figured that there will be no ban on the importation of a Broadway company and selection of a director and company will proceed as soon as official ruling is received. Alfred B. Leaman, described as a former stock exchange member, is bankrolling the venture. His partner is Al Wagstaff, previously active in films and legit on the Coast.

They will post the Equity bond for two weeks' salary and two-way transportation expenses as soon as they receive permission from the (Continued on page 41)

LORILLARD B. R. FOR YANKS ON RADIO

Lorillard Co., whose brands include Old Gold cigarettes and Briggs tobacco, has entered the New York baseball picture with a bid for the broadcast rights to the Yankee games. Lorillard's agency, Lennen & Mitchell, also represents the Ruppert Brewery, which is owned by the head of the N. Y. Yankees, Jake Ruppert.

General Mills, which has already tied up the rights to the Brooklyn Dodgers games, wants to make a package of the Giants and Yankees home games with the New York twosome released over a single local station. Socony is in on the Brooklyn group and the chances are that General Mills proposes to bring in Procter & Gamble as co-sponsor of the Giants and Yankee games, if and (Continued on page 46)

NBC Skeds Olympics Early; Royal Returns From S. A. Next Week

John Royal, NBC program v.p., is due back from Lima, Peru, next week. Went there to look over the Pan-American conference.

On the international front NBC has already set up its broadcast schedule from Finland, although Olympics do not take place in Helsinki until July, 1940. Kenneth Berkley, of NBC, Washington, and Max Jordan, NBC's continental European director, recently were in Finland to set the details.

En Route
The Hour of Charm
Taft Theatre, Cincinnati
 (Week Dec. 30)
Palace Theatre, Akron
 (Jan. 6)
Palace Theatre, Youngstown
 (Jan. 10)

Phil Spitalny
 and his
All Girl Orchestra

LOEW'S STOCKHOLDERS' SUIT EXPECTS TO WIND UP TODAY OR THURS. (22)

J. Robert Rubin and Loew's Accountant Last on Stand—C. P. A. Refutes Ellis' Figures—Nick Schenck's Lengthy Session

Testimony in the stockholders' accounting action against the officers and directors of Loew's, Inc., will end late today (Wed.) or tomorrow, N. Y. Supreme Court Justice Louis A. Valente, who has been listening to the evidence for the past three weeks, was thus assured last night (Tues.) by attorneys for both sides. With the wind-up of the defense, Emil K. Ellis for the plaintiffs will return Bernard Reis, his accountant, to the stand in a short rebuttal.

Both sides will be asked to submit briefs, and Justice Valente will reserve decision. This was the announced procedure to be taken at yesterday's (Tues.) session. The final witness yesterday was William Keating, an accountant for the defense.

J. Robert Rubin, v.p. and general counsel of Loew's, Inc., and one of the five Loew-Metro officers being sued, spent most of yesterday's session going into details concerning the high cost of production. The other major co-defendants are Nicholas M. Schenck, president of Loew's, Inc.; David Bernstein, Louis B. Mayer, Arthur M. Loew and the estate of Irving G. Thalberg.

Rubin dwelt at length, during his testimony, on why Metro spent so much money on stories purchased. He said that during the past four years the company produced 20 pictures based on old stories already used in the silent days.

One of the reasons was the re-writing of old stories long before they were put on the lots. More than 50 pictures have been in preparation awaiting the proper stars or feature players. He stated that the company has so many top-line stars that special stories must be prepared for each one. This necessitates much work by expert writers to adapt a story to some particular player, whether a Crawford, Garbo or Shearer, or a featured player such as John Barrymore or Wallace Beery. Rubin said that this arrangement enables the studio to keep going for a long time, regardless of whether new material is coming in.

Rubin Observes Metro

'Greatest Producing' Co.

The witness impressed the fact that good stories are the chief essential to the trade and, for this reason much work is done in the preparations of scripts and continuity work, before the pictures are ready to be screened. Unless we have good stories, no good pictures can be obtained," he said. For this reason, Rubin said, Metro is considered by many the greatest producing outfit in the world.

Rubin said that the cost of stories and the hiring of name authors to whip them into shape was considerably costlier today than it was a few years ago. This observation was not disputed.

Under cross-examination, Rubin was asked by Ellis, why, after over \$350,000 was written off in stories, they had been restored to the active list at the request of the directors. To this, the witness said that in his opinion, and after reconsideration by others, the stories had real value. Among them he named "Silent Night," "Heavenly Sinners," "Bugle Sounds," and "Elegance." The picture, "Soviet," was kept on the list for four years before writing it off because it would not be allowed in England. For this reason the production was cancelled because "England constitute... 25% of world consumption and such a licking would be costly to the studio."

William L. Keating, connected with Miller, Donaldson & Co., Loew's accountants, disputed the plaintiffs' accountants' figures on the general studio overhead. Reis had set this figure at \$4,800,000, of which \$3,700,000 was absorbed in costs. Keating's figures were that \$3,777,000 was absorbed in overhead, of which \$1,467,000 was amortized in 1937.

Keating also differed with Reis on certain items, particularly on the

production end. These, he held, were necessary expenses of the studio. Among these he mentioned as being salaries for executives and the payrolls for the workers in the accounting, cashier and many other departmental employees of the production end. As to the item of \$558,000 of "income continuity," which was added in 1937, and which Reis thought should have been written off, the witness said that \$506,000 of this amount is now forthcoming on certain pictures. He itemized the following as part of this: "Marie Antoinette," \$207,000, and "Shining Hour," \$28,000. Also \$208,000 is now active in continuities on pictures such as "High School," "Lady Comes to Town" and others. There are seven stories in the latter list, the witness said.

Keating continued that from 1930-1938 the company has written off a total of \$4,566,000 on rejected continuities. As to the many writers and alleged waste on the picture, "Marie Antoinette," as alleged by the plaintiffs, only three men whom he did not name got most of the money. These three received \$326,000 of the \$420,000 spent on the picture.

Concerning the writing off on a picture, the witness said: "No accountant alive can judge the value of a story or tell accurately if it will be a good picture in all respects." He must depend on the judgment of others.

Under cross-examination, Ellis asked Keating if he thought it was proper to include donations in studio overhead. "That depends on what the donations are," replied Keating. Ellis then asked if the witness considered it sound accounting practice to rely on the judgment of a man who receives bonuses on unwritten-off accounts to write something off. The witness replied he depended on nobody's judgment but his own, based on actual figures and results. That concluded his testimony and the end of the day's session.

Friedman Didn't Think

Thalberg Deal Binding

Tuesday morning opened with Leopold Friedman, secretary of Loew's, taking the stand. He was questioned as to the arrangement for payments to Arthur Loew. He said the latter's compensation in 1935 was based on percentage of the profits after Mayer, Rubin and Thalberg had been taken care of. Friedman stated he had taken part in the discussion of the Thalberg estate demands for continued compensation. It is opinion given to Schenck at the time was that the Thalberg contract was binding on the company and that it had no standing in court.

Former Governor Nathan Miller substantiated his opinion. Max D. Steuer, for the estate, held differently and the latter's contention was upheld by Schenck to the extent of rying out the contract with a few minor changes. Under cross-examination by Ellis the witness admitted that at a meeting of the stockholders in 1932 the payments to Schenck and Bernstein were questioned. As to the latter's receipt of a total of about \$400,000 for that year, Friedman denied his testimony at this point, and J. Robert Rubin took the stand.

He is a vice-president and general counsel to Loew's, and one of the defendants in the suit. He described him: tying up with L. B. Mayer in 1923, later forming a partnership with Thalberg, and the three joining Loew's.

Rubin was asked about the efforts to assure Loew's a British market. He said that he and others in the company realized the importance of preventing the John Maxwell outfit of London from getting control of Gaumont-British. It was conceded by all that if it ever happened Maxwell would have a monopoly on the English trade. In fact, he said, "the Maxwell crowd" could practically prevent the distribution of Metro pictures in England and the other British possessions and reduce the company's profits extensively. Besides, the witness said, he believed Metro could make a success of Gaumont-British.

Concerning the contracts to the

five top execs, Rubin repeated what Schenck had said, that the men were all valuable and entitled to whatever consideration they received. "It tends to better the situation in the studio to have them all share in the profits of the company," he said.

He estimated that about 450 titles to stories are carried on the books and are worth at least \$9,000,000. Rubin disputed the plaintiffs' contention that at least half of this amount should be written off. The witness further said that the company's income since 1929 to date, amortized and written off, totaled \$13,553,000.

Ellis' Repetitious

Queries Irk Schenck

Nick Schenck finally left the witness stand late Monday afternoon (19) after testifying for three days. During that time he rarely became excited, but just before he concluded he was considerably riled by Ellis' persistent questions relating to his income during the past few years, particularly as to 1936 and 1937. It is not disputed by the defense that his incomes for these years were each over \$400,000. This included his percentage on the profits. Ellis had also been driving at the amounts Mayer and Thalberg were also making.

"This is very distasteful to me. With all the money you accuse me of making, I've had to borrow enough to pay my taxes for the past two years."

After detailing how, in 1932, Mayer threatened to quit the Thalberg left the organization, Schenck stated he told him (Mayer) he would hold him to his contract and would have him barred from working elsewhere during the life of the agreement. As to contracts with the three, Schenck said that he had a deal with them on a partnership basis and not as individual workers. "What one got the others had to get."

Mayer, after Thalberg's death, agreed to give up his 3% cut on the profits on the promise that his work would not be so hard.

Ellis' further questioning of Schenck on matters which had been gone over time and time again caused Justice Valente to tell the attorney not to repeat. The judge declared he would see that the case be concluded by today (Wednesday)—of which there appears to be small likelihood—and that he would hold late sessions if necessary.

When Schenck left the stand, he was succeeded by the defendant's second witness, Eugene Leake, who, as member in 1937 of the Film Securities Board, helped to administer 600,000 shares of Loew stock for the Fox Film Co. He told of voting for the stock options to the defendants and gave his reasons, which were substantially the same as Schenck. Schenck had remarked to him, the witness said, "Loew's is for Loew's, and for no one else."

H. M. Bards, connected with the Bank of America, who represent Norma Shearer and Thalberg in contract conferences with Schenck and Mayer, was the last witness of the day. He explained the eventual agreement was satisfactory to Miss Shearer, Schenck and Mayer.

Loew Prez Re-Endorses

'Unique' Manpower

Schenck, continuing on the witness stand Friday (16) as the first defense witness, declared that in his opinion the success of the company was due to the personalities and the selling ability of heads of the company and its subsidi. In answer to a question put by Judge

(Continued on page 19)

Masterminding the Decision

Stockholders' suit against the Loew-Metro executives is the main topic of conversation in New York executive film circles. That opinion is that the court cannot recognize claims relating to excessive salaries and bonuses if the manpower earns them, but ill-advised methods in computing profits and appraising value of assets may be more seriously viewed.

Schenck's '39 Sizeup

Hollywood, Dec. 20. New year outlook on the film biz will be forecast by Joseph M. Schenck on a national hookup over NBC Dec. 29.

He will appear on the program with other industrial and business leaders.

Egypt May Ban 'Suez'

Due to Factual Errors; '4 Men' Causes Laugh

Cairo, Dec. 8. Severe criticism in the London press of 20th's 'Suez' is expected to have repercussions in Egypt when the film comes before government censors shortly. Due to several factual discrepancies in the picture, indications are that the film will be banned in the country.

Since 'Suez' was built around a love story that is said to have never existed, between Ferdinand de Lesseps, the French engineer who built the canal, and the Empress Eugenie, ill feeling has been provoked among Egyptians who expected an epic reconstruction of a historical achievement in their country.

Situation has been made more delicate since King Farouk and the heir to the throne, Prince Mohamed Ali, are both descendants of the Mohamed Ali mentioned in the film. According to historical documents available here, de Lesseps never taught boxing and fencing, as the film indicates.

'Four Men and a Prayer' (20th) has led to a protest here, consequently being withdrawn in Egypt. The offending scene was that showing Alexandria and its port. Alexandria is considered the most modern city in the Near East and when snake-charmers were shown in the streets, together with Egyptians sitting on the floor of the largest hotel, there was wholesale laughter in the cinema, later followed by poor attendance.

L. A. to N. Y.

Herbert Akerberg.

Bern Bernard.

Norman Blackburn.

Madeleine Carroll.

Pat Casey.

J. Cheever Cowdin.

Roger Ferri.

Marcel Hollman.

Sidney R. Kent.

David Loew, Jr.

Marcus Loew, II.

Benny Meroff.

Louise Platt.

Leon Pransky.

George Palmer Putnam.

Bill Rogers.

Claude Stroud.

Herman Wobber.

N. Y. to L. A.

George Arliss.

Sam Berkowitz.

Lili Damita.

Sally Eiler.

Y. Frank Freeman.

John Garfield.

Harry Ham.

Leland Hayward.

Steve Hannagan.

Joseph Mankiewicz.

Montagu Marks.

Chester Morris.

Gabriel Pascal.

Margaret Sullivan.

20TH CLIPS NUT TO SAVE 500G A YEAR

Hollywood, Dec. 20. Two economic edicts, figured to save about \$500,000 a year, were handed out by William Koenig, general production manager at 20th-Fox. First order prohibits all makeup, hairdress and costume tests, which cost from \$300 to \$500 for each actor before a picture starts. Second decree bans all retakes until a picture has been completed and the rough cut screened.

NEWSREELS-CRAMPED BY EUROPEAN PACTS

Unsettled conditions in Europe, with cross-political agreements between different nations, is stalling complete coverage of news on the Continent by American newsreel companies and their European operatives. Even Great Britain is becoming most circumspect in trying to curb treatment on certain news events.

As a result of the 'no war' pact signed by France and Germany, French government representatives have ruled in some instances that the newsreels can't say certain things about Hitler. In Italy the reels, of course, must take on a pro-fascist slant.

Idea back of all this supervision is the desire of different countries figuring in the center of present politico jitters not to offend 'friendly' nationals in any way.

Gabe Pascal's Spanish

Dub; More Pix on Tap

Gabriel Pascal left for the Coast Sunday (18) to make a Spanish-dubbed version of 'Pygmalion' for Metro.

Producer has three more Shaw stories he will do this coming year, 'Doctor's Dilemma,' 'Devil's Disciple' and an original, based on King Charles II and Sir Isaac Newton. Metro will release all Pascal-Shaw productions, except in England.

Associated with Pascal in film production and financing are Capt. Richard Norton, Nicholas Davenport, Malcolm Vaughan and Sir Charles Auckley. Latter is representative of the Lloyds insurance crowd.

SAILINGS

Jan. 5 (New York to Greece). Mr. and Mrs. Charles F. Skouras (Conte di Savona).

Dec. 26 (New York to Paris). Clifford C. Fischer, Madeline Carroll, William R. Fitelson (Normandie).

Dec. 24 (New York to London). Mrs. Robert Keane, M. J. Farrell (Laconia).

Dec. 21 (Vancouver to Sydney). Radcliffe and Rogers, Jimmy Hadreas, Pinky Lee Troupe, Ted Claire, Wilfred and Dupree Co. (Empress of Asia).

Dec. 17 (New York to London). Marion Stoopack, Jean Drouant (Paris).

Dec. 17 (London to New York). Gilbert Miller (Normandie).

Dec. 17 (London to New York). Pearl Buck (Aquitania).

ARRIVALS

Jacques Deval, Baron De Knyff, John C. Oestreicher, Harold Holt, Mr. and Mrs. Ernest Bloch, Pierre Montoux, Leslie Allen, Marie Pons, Ania Dirmann, Mme. Cavanti, Rene Blum, Mr. and Mrs. Henry Sherek, Mr. and Mrs. Cookie Bowers, Albin Johnson, Walter J. Hutchinson, Robert T. Kane, Benjamin Miggins, F. L. Harley, Elsa Lancaster, Gaby Morlay, Jack Irwin, Tyrone Power.

Other News of Interest to Films

Japan pays final installment to U. S. distributors.....	Page 11
20th foreign execs in for N. Y. pow-wows.....	Page 11
Cantor back to Coast Jan. 9.....	Page 23
Texaco drops Ufa Merkel.....	Page 25
Tyrone Power vice Charles Boyer on airshow.....	Page 25
Radio reviews: Beatrice Lillie, Jack Haley, Buddy Clark.....	Page 26
Marx Bros. on Kelllogg.....	Page 30
Robbins-Metro and Berlin's hold out on ASCAP membership.....	Page 33
Wallace Ford's play.....	Page 42
Legit review: 'Central Casting'.....	Page 44

ZUKOR'S FOREIGN HYPO

GOOD WILL FOR SHOW BIZ

Last week a film personality was on the radio glorifying the Bill of Rights, as embodied in the Constitution of the United States. This was sound, constructive, clean and smart.

Why waste time attacking or deprecating damagooes? Ignore them—it hurts. Answer them? It's impossible. Denounce them? They cherish martyrdom. Call them names? They are past masters. But there's one thing that hurts—ignore 'em.

This is a matter for advertising. Democracy and the things that are of value to personal liberty need to be sold. Sold on their own merits and detached from any attempt to out-hiss the hissers.

And show business is peculiarly and particularly indebted to democracy with its free speech. Censorship is the enemy of creative work anywhere. Look what's happened in once-prolific European capitals under the cloud of oppression.

What films started the other branches might emulate. Let radio itself go to town with its own program. And legit can add a few links with strictly stage personalities. Advertising, too, should realize that open markets and democratic competition stimulate advertising, but dictatorship doesn't need paid advertising—they have propaganda instead.

The occasions are many. American history is replete with much cause for patriotic rejoicing. There are historical dates in plenty.

Such broadcasts as last week's Bill of Rights rededication program on a national hookup make the best sort of publicity for the film business—and for all show biz.

Par's Releasing More Outside Pix, Also English-Mades, Might Cut Down Its Own Program for '39

Favoring release arrangements on pictures made by outside producers, with five taken so far this season, and with number likely to be increased for 1939-40, plus possibility of English-mades, Paramount may reduce the number of features to be turned out in Hollywood by itself next season to the lowest number in history.

The possibilities for English-mades is for six to eight features during 1939-40, with more positive plans to be set by Adolph Zukor and David E. Rose after the first of the year on what will be made abroad.

Par has for release in the U. S. and Canada the English-produced "Beauchamp" (Mayflower Productions), the first British-made Par has taken over in some time. On the current season (1938-39) Par to date has a total of four other outside-mades. These are "Little Orphan Annie," produced by John Speaks; "One-third of a Nation," produced by Harold Orlow; "Baron Munchausen," turned out by William K. Howard; and "Star Maker," to be furnished by Charles R. Rogers. Last-mentioned is also producing "Jane Addams."

Looming for the '39-40 season, over and above what may be turned out in England, are additional features from Rogers, Orlow, Howard and others who may have stories in which Par would be interested as distributor. Financing plans for three features to be made by Orlow during the coming year have been set.

Farther ahead on production than ever before in history on its own product, Par has set releases from Jan. 1 through the end of May, a total of 26 pictures being catalogued to go out during this period. Of this number, 18 are already finished, and outlook is that the balance promised for the current season will be totally completed by April 1, so that Par at that time can begin work on the '39-40 material.

Hollywood, Dec. 20. Charles R. Rogers will produce a picture based on Jane Addams of

WORLD SURVEY TO INCREASE BIZ

After European Visit, Latin-American Market Next—Followed by Far East and Australia—Zukor's Salary at \$150,000 as Is

ROSE'S BRITISH SPOT

With a view to strengthening Paramount sales power in foreign lands, various changes designed to improve the company's position throughout the world are expected to follow in the wake of Adolph Zukor's globe-girdling survey. These changes may not only affect sales manpower, and embrace some promotions from the ranks, but also concern the Par distribution machine outside of the domestic market so far as economy is involved.

Aside from whether some distribution officials, branch managers or others are displaced or shifted, which is regarded as likely, it may be found advisable, as result of changing world market conditions, to consolidate some offices or restrict the scope of sales activity in various territories now not justifying the distribution expense incurred. It may also be that in some other territories, greater sales pressure is advisable.

It is felt as well that Zukor's world trip will have still another important purpose. Among other things many in distribution for Par in foreign countries have never met Zukor. If nothing else, it is contended that Par men in foreign distribution, after sitting down with Zukor to discuss local problems, will learn much to aid the future performance of business. He will also contact exhibitors.

Zukor sailed Friday (16) for London on the first leg of his all-inclusive survey and visit, accompanied by David E. Rose, appointed managing director for Paramount in England, succeeding John Cecil Graham, who resigned early in the fall.

Zukor went abroad with reported wide powers over the foreign situation generally, including production, distribution and theatre operation. He remains in the same capacity with Par as chairman of the board and at the same salary of \$150,000 yearly. It had been reported Stanton L. Griffis might be named board chairman since he is also chairman of the executive committee and Zukor is seldom in New (Continued on page 47)

ATTORNEY WINS 10% JUDGMENT VS. ACTOR

Los Angeles, Dec. 20. Roger Marchetti, attorney, won a judgment of \$2,800 against Paul Cavanaugh, representing 10% of the actor's film earnings for 1935.

Superior court ruled that an attorney can charge for his legal advisory services on a basis of his client's earnings.

Balaban, Other Par Execs Flitting All Over the Map

Barney Balaban, called to Chicago over the weekend following the death of an aunt, is due back today (Wednesday).

In Beaumont, Tex., for a board meeting of Jefferson Amusement Co., Par partners in the western part of the state, Montague F. Gowthorpe, controller of theatres, is also due back today (Wed.).

Leon Netter returned to New York Monday (19) following a board meeting of North Carolina Theatres, Inc. (Kinney-Wilby) in Durham, N. C., Friday (16).

Listen to That Fog

Hollywood, Dec. 20. Rainstorm, first moisture in 27 days, delayed work on two Monogram pictures and washed away scenery used for westerns on Republic's back lot. Universal lost shooting time as result of interference with electric current.

Ventura Boulevard was temporarily closed and basements were flooded in actors' homes in San Fernando Valley.

Chicago's Hull House. James Webber Linn, nephew of Miss Addams, is coming here to work on the screen play. Paramount will release.

Last Week's Nat'l B.O. Compared Favorably with Same '37 Week; Stronger New Pix Augur Well

Community Affairs

On the heels of the influx of damage suits and anti-trust actions piling up in the industry, one film exec observed:

"Picture officials used to meet at the luncheon table. Now they have open forum sessions in the courtroom."

UA'S 2D BEST YEAR LOOKS TO BE '38

Unofficial estimate of United Artists profit for 1938 reveal that the company will experience the second best year in its history. Net will not be as big as the record 1937. First half of 1938 resulted in good domestic and foreign returns but last two quarters, oddly enough, showed domestic receipts lower than foreign. Expectation is partners will split a \$200,000 melon as their share of UA distribution profit.

Montague Marks To Coast for New FI Co. Huddles with Selznick

Montague Marks, one-time organizer of London Films and now associated with Douglas Fairbanks in the newly formed Fairbanks International Pictures, arrived from London last week and left promptly for the Coast to see United Artists officials and others concerned with the new enterprise.

"The Californian," first of the three films scheduled, will be made on the Selznick lot in Culver City. Marks and David O. Selznick will discuss extent to which Selznick International will participate in the Fairbanks program.

Add RKO Postponements: Latest Date Now, Dec. 29

Confirmation of the RKO reorganization plan was again put over Friday (18) by N. Y. Federal Judge William Bondy until Dec. 29. Hamilton C. Rickaby, counsel for the Atlas Corp., chief sponsor of the plan, made a formal request for the postponement. He later explained that Judge Bondy had asked him to furnish him with a report concerning holders of certificates of the so-called Selgman group.

The attorney also said that Judge Bondy wanted time to further examine briefs in connection with the claims of John Stover, counsel for Ernest W. Stirn of Milwaukee, that the plan was unconstitutional under the Chandler amendment to the Bankruptcy Act, relating to the status of proxy consents.

Korda's Coast Quickie

Alexander Korda, now on the Coast for conferences with United Artists producers, is due back in New York after Jan. 1.

Decision will be made on Korda's intention to produce "Pocahontas" in Hollywood next July. When getting back to London he will start production on "Thief of Bagdad" immediately.

With last week (Dec. 9-16) showing countrywide grosses that went over expectations, comparing very favorably with the same week last year, in spite of generally weak product, operators are hopeful that Christmas and New Year's business, based on pictures that are being released over the holidays, will equal or surpass the take for the same fortnight in 1937. Last week's national take was almost as much as the same stanza a year ago, although in later '37 the beginnings of the recession were starting to be felt.

Operators are also optimistic concerning 1939, believing that after a long stretch of recession and rehabilitation, though slow, times will be considerably better for all industry and there will be less unemployment than has existed this year. Handicapping the future, buyers anticipate much better product than was released the first seven months in 1938. Much of the decrease in grosses is attributed to the low percentage of quality pictures during that period.

Among other things, operators express the opinion that 1938 has been discouraging to all businesses, bringing curtailment rather than expansion, because of the intense uncertainty, caused in part by war scares, pre-election doubts, general conditions and labor situation which, it is felt, is beginning to ease.

Christmas-New Year releases that rate attention nationally include "Kentucky" (20th), "A Christmas Carol" (M-G), "Artists and Models Abroad" (Par), and several of possibly good secondary strength, among them "These's That Woman Again" (Col), "Sweethearts" (M-G), "Duke of West Point" (UA), "Thanks for Everything" (20th) and "Trade Winds" (UA).

Ritchie's Coast Powwow

Hollywood, Dec. 20. Bob Ritchie, Metro's British production exec, is here for studio conferences.

Will discuss schedule of future pics.

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Merry Christmas

INDEX

Bills	38-39
Chatter	46
College Rhythm	32
Concert	34
Dance Bands	32-34
Exploitation	19
15 Years Ago	39
Film Booking Chart	21
Film Reviews	14-15
Forum	47
House Reviews	40-41
Inside—Legit	44
Inside—Music	32
Inside—Pictures	10
International News	11
Joe Laurie	4
Legitimate	42-45
Music	32-34
New Clubs	41
Night Clubs	35-37
Obituary	47
Outdoors	47
Pictures	2-21
Radio	22-31
Radio—Internat'l	27
Radio Reviews	26
Vaudeville	35-37

Fox-W.C., Majors Win in Pasadena Restraint Action

Los Angeles, Dec. 20. U. S. District Judge Harry A. Holtzer, in dismissing complaint of Colcata Corp. against Fox West Coast Theatres and eight major distributing companies, ruled that complaint did not indicate films sought for plaintiff's Colorado theatre in Pasadena came under interstate jurisdiction, and that only evidence on hand tended to place the pictures after first run in a purely intrastate status.

Colcata complaint, filed several years ago by Lou Bard and associates, sought damages aggregating \$1,200,000. It charged that F-WC and distributors discriminated against the Colorado in the rental of films.

Court ruled that case, as presented, was wholly within the limits of California and dismissed it for lack of jurisdiction.

RKO-Herb Wilcox Production Co. Aims Directly at Anglo-U. S. Marts

RKO Radio and Herbert Wilcox have formed a production partnership for two to four pictures annually. Deal provides for interchange of American and British stars, production to be at Denham Studios. Imperator-Radio Pictures, Ltd., has been incorporated in England.

Anna Neagle, English star of Wilcox productions, is first player to be loaned and will begin an RKO Radio picture in Hollywood next month. Vehicle will be patterned along Metro's 'Yank at Oxford.' American technicians will be interchanged between here and England.

Wilcox and Miss Neagle sailed for England Friday (16), later to return early in January to Hollywood. Wilcox starts his first picture under new arrangement in March.

Ned Depinet, v.p. of RKO Radio, admitted that, while 'Victoria the Great' had done successful business abroad, results in the U.S. were not at all good, which is the reason '80 Glorious Years,' the second Wilcox-Neagle film, while released in a few cities in America so far, will be held up now and hit key spots again next summer when King George and Queen Elizabeth are expected to visit America. Figures picture will be more timely then, when it will also be re-titled 'The Lady from Windsor.'

Wilcox believes the new arrangement will be the necessary stimulus to British film industry, which is in a bad plight due to the fact that it was being built on a fallacy, viz: quota legislation. In his opinion, this has practically killed the industry in that country.

He is further convinced that British banks which had withdrawn financial support from the industry in that country, in recent years would once again support production designed for the international market. Also expects other American companies to enter similar deals with British producers, as RKO has with him.

READYING FOR ACTUAL TRIAL OF ALLIED-B&K

Chicago, Dec. 20. Attorneys for the defense in the suit of Allied Independent theatre owners against Balaban & Katz and the major distributors last week filed their answer to the general bill of complaints. The answer was primarily a general denial of the charges listed by the plaintiffs, with specific denials of any collusion, conspiracy or restraint of trade.

Lawyers now will work in earnest for the actual trial which will get started as soon as the legal minds gather all their evidence and witnesses. Attorneys for the plaintiffs are now galloping emissaries around the country taking depositions from witnesses unable to appear personally at the trial here.

Arlliss May Make One Picture for 20th-Fox

Hollywood, Dec. 20. George Arlliss, due here Friday (23) for his annual California vacation, may do one picture for Darryl Zanuck. British actor discussed the film with 20th-Fox exec in London last summer.

While here Arlliss will do two broadcasts on the Lux radio show.

Annabella's Next For 20th-Fox in England

Annabella, French actress, under contract to 20th-Fox, who is due in New York this week from South America, will make her next feature for release by 20th in England.

Present indication is that future films she makes for 20th-Fox will be turned out in Great Britain.

Col.'s Latin Gesture

Hollywood, Dec. 20. 'Pan-America,' a tropical drama with Cary Grant in the top spot, is Columbia's next bid for the South American trade.

Rita Hayworth is signed for a featured part.

Studio Contracts

Hollywood, Dec. 20. Warners renewed Heinz Roemheld's composer contract.

Mary Beth Hughes inked player pact at Metro.

Hal Roach picked up option on Tom Evans, head still cameraman.

Warners renewed Crane Wilbur's writer-director definite prospect. Two or three pictures penned three-picture deal at RKO.

Paramount lifted Joyce Matthews' option.

Hal Rosson drew a new cameraman ticket at Metro.

Edward Kilroy inked new actor contract at Metro.

Warners hoisted Michael Fessler's option.

Jeffrey Lynn handed new deal at Warners.

Wendy Barrie, signed to make three pictures annually for five years at RKO.

Gilbert Emery signed two-picture player deal at RKO.

Universal picked up David Gorcey's option.

Alice D. G. Miller inked writer deal at Metro.

Columbia signed Daniel Taradash, writer.

METRO SCOUTS MANY, BUT TESTS ONLY FEW

After looking over some 40 screen possibilities in Chicago in the last 10 days, Al Altman, Metro's talent executive in the east, has returned with only one definite prospect. Two or three other femmes may be screen tested after coaching and reducing. Margaret Hubbell, comedienne, will be brought to New York by M-G for the lone test.

Metro is scoutmastering Mary Paton, Centerville, Mass., girl, discovered during the straw hat season. Bruce Fernald, from a straw hat in Maine, also has been placed under option.

Aida Vale, of 'What a Life' cast, was seen by Hunt Stromberg, who recommended her as a possibility.

Wesley Addy, the Fortinbras in the Maurice Evans production of 'Hamlet,' at the St. James, New York, is scheduled for a screen test this month, but was postponed because the actor is busy with rehearsals for the next Evans production, 'Henry IV,' which opens Jan. 30.

ridder's Film Bid

Detroit, Dec. 20. Bob Joselyn, an end on Wayne U's past season's grid team and hailed as town's most handsome football player, has been approached for a film test.

Coach Joe Gembs, who announced the bid at Wayne's annual grid bust last week, produced a letter from John J. Hutchings, executive secretary to Sam Goldwyn.

Test Mildred Stanley

Lincoln, Neb., Dec. 20. Mildred Stanley, girl vocalist with Glenn Lee's orchestra, hopped rattler for Chi this week to talk a screen test for Metro.

Girl is a brunet Czech, whose real moniker is Milota Rusa.

Wayne Christy Attaches Rosco Ates; \$671 Commish

Seattle, Dec. 20. As a pre-Christmas token, Rosco Ates, the stuttering comedian, found an attachment on his automobile for \$671 which Wayne Christy, former Chicago agent, now resident here, claims is due him as commission. Claim dates back to 1936 on some vaudeville bookings.

Ates is at the Palomar this week, next week Vancouver.

Columnist Series

Hollywood, Dec. 20. Richard Dix gets the top spot in a series of pictures to be built around a newspaper columnist at RKO.

Studio execs decided on the series after viewing a rough cut of '12 Crowded Hours,' turned in by director Lew Landers.

LIONEL STANDER'S P. A.

May Appear in Freedley's 'Flying Ginzburgs' Later

Lionel Stander is doing a personal at the Carle, the blacked-out week of Dec. 30, assisted by a couple of legit comedians—Solon Barry and John Corey.

Stander will probably do a part in Vinton Freedley's play, 'The Flying Ginzburgs,' providing another prominent player is cast, as the role for Stander is a No. 2 assignment, although he favors it.

TELCO CLAIMS 4-COLOR PIX AT LOW COST

Hollywood, Dec. 20. Slated for construction early next year by the Telco corporation of New York is a \$1,000,000 film development plant in San Fernando valley, designed to make four-color films available at a cost slightly above black and white. Plans call for two units, each capable of developing 500,000 feet of film per day.

Telco is a closed corporation, all stock owned by members of the board and banks. Robert Hoyt, inventor of the new process, is president. Oscar E. Dooley of Miami, chairman of the board, and Leon Hoyt of Hollywood, secretary.

Hoyt, former newsreel cameraman for Universal, obtained final patents on the process recently after four years of experiment, the last two of which were in Telco's lab in Hollywood. First picture made under the Hoyt system is 'Winds of the Wasteland,' a full-length western, shot completely in color at a cost approximately 10% more than the average black and white. It is now being cut by Al Lane, former Monogram producer.

New color film has an added advantage, it is claimed, of not requiring a special projection machine. Hoyt contends any small theatre using standard equipment can handle the picture. Major studios are interested in the new process, on the theory that if it lives up to its promises it may revolutionize color in the industry.

NATIONAL SALES MEET NEXT SPRING FOR 20TH

Hollywood, Dec. 20. Twentieth-Fox will hold a national sales convention this spring in place of the regional sessions last year, according to Herman Wobber, general sales chief, who left for New York yesterday (Monday) after a week of holidays.

Site of convention is still to be decided.

U Shifts Into Neutral Until New Year Dawns

Hollywood, Dec. 20. No more new pictures until after the holidays is the fate of Cliff Work at Universal, who held up the launching of 'Bad Company,' originally set for yesterday (Mon.), until Jan. 3.

Christmas lull means that Bing Crosby's starrer, 'East Side of Heaven,' will not get the gun until Jan. 9. Jackie Cooper picture, 'Brown of Culver,' has been set back to February.

Title role in 'Big Town Czar,' a gangster story at U, goes to Barton MacLane. Ed Sullivan wrote the original and Arthur T. Horman is doing the screen play.

Making Short of It

Hollywood, Dec. 20. Production of shorts at Metro is farther ahead of schedule this year than at any other period in the history of the studio, according to Jack Chertok, supervising that department.

More than half the 1938-39 program of 65 featurettes and 15 cartoons has been completed, and heavy production is slated for January.

Lefty's Old Trunk Does a Hamlet; Soliloquy on Their 25th Xmas

By Joe Laurie, Jr.

Coolacres, Cal., Dec. 20.

Dear Joe:

While helping Aggie trim the tree for Christmas I went to the attic to look for something I didn't know exactly what, but I find that an attic is a great place to look for something especially if you're not sure what you're looking for. Well, what I'm getting at, is that I happened to find a quart bottle of rye stuck in the rafters. How I ever came to look at the exact spot it was in, I don't know, but I do know I opened it and took a few swigs while sitting on my old Taylor trunk. I didn't want Aggie to see me nippin' because she claims she gets nervous when I get up on the ladder to trim the tree. I sort of do a Best Melrose on you know, sway to and fro, and Aggie can't do her share of hanging the popcorn and glass balls on account of worryin' about me. So that's why I went up in the attic to look for something. I musta looked kinda lonesome up there alone because after a few swigs of that rye my old Taylor trunk started gabbing to me—

'Well, Lefty, here we are spending our 25th Christmas together. I will never forget the time when you walked in the store and said, 'Howdy me! You opened me up, admitted my blue linen tray, you thumped me to see if I was strong, you locked and unlocked me. And when the salesman told you how much I cost, I will never forget the disappointed look that came into your eyes. Because in those days you didn't have much dough. Then you came back two weeks later, you looked a little thin. I didn't know then that you cut down on your eatin' and drinkin' so you could buy me. And how proud you were when I was delivered to your boardin' house with the letters pinned on me, LEFTY O'CONNOR, THEATER.'

'In those days you didn't have much to pack me with, just a few shirts and collars, your dancing shoes, a couple of pair of baggy pants, some funny hats and your makeup box. You even stuck a few bricks in me to make me feel heavier so people wouldn't think you didn't have anything in me.

'And do you remember when you pasted the lid of my tray with pictures of your pals cut out from their letterheads? You only pasted in the standard size. How proud you were when I was delivered to the theatre. How you bawled out the property man for banging me around; you looked me over to see if I had any scratches. Week after week we traveled; I kinda brought you luck. Many a time I stayed behind in hotels until you sent dough to bail me out. I waited at depots, stayed out in the rain and snow and never warped on you once. I'll never forget the time you lost your keys in Bird Eye, Ind., and you opened me up with a chisel.

That Red-Head From the Flash Act

'Then you met that red-head from the flash act, and you put some of her stuff in me, to save her excess, you said. She wasn't a bad scout but had an awful temper. Remember the time she had an argument with her and you threw out her clothes in the hall? That's all I carried of hers were the letters she sent you. Then in Oklahoma City you met Aggie and she did you fall for her. You'd put her letters in that special spot in the side of my tray, right next to your clean shirts. I used to like to see you come into the dressing room an hour or so before the show, sit down in front of me and open me up and start reading through those old love letters. Aggie thought you were a swell guy then and still does. I'll never forget the day she sent you a special delivery letter telling you she was coming on to marry you. Boy were you happy, and the whole time you spent looking through me and tearing up the red-head's letters and pictures and making sure there was nothin' in me that would start any future arguments.

'Then Aggie came and you made me carry a double load, because all Aggie had was a paper keyster. If she ever was caught in a rain with it all she'd have left would be the handle. You started carryin' an iron, so she could do your laundry and some cooking utensils to make coffee in the morning. I liked Aggie's dresses and underwear. I liked the smell of the velvet sache she'd put between the things, it made 'em smell so nice and fresh...not like your sweat shirt. And she packed me better than you did. Yeh, Lefty, we sure had some great times together. The biggest fright you gave me was when you packed two quart bottles of Scotch in me and when the customs man at the Canadian border stuck his hands in the bottom he just missed 'em by a few inches...and what a sign of relief we both gave. It was Christmas night and you surprised Aggie when she came into the dressing room. You had a small Christmas tree on me, and you had me all covered with red tissue paper and a fake snow. Was she happy! And when you and Aggie got into the tough old fight, you bought her robe trunk and kinda gave me the air. You just let me carry the stage stuff, but I will give you credit for saying to Aggie, 'I can't get rid of the little feller, we started together, he's lucky to me.' I will never forget the time you forgot to tip that property man at Davenport and he let me fall a whole flight of stairs and the shock broke my lock and I burst open. You tied a rope around me, to make the next town. How ashamed I was to travel with those other trunks! Felt like an immigrant. You know, Lefty, a trunk with a rope around it is like an old actor without an overcoat in winter. There are some people that don't respect old age in humans, so you know what they must think of an old trunk with rope around it.

Just a Museum Piece, But - - -

'The time you bought another wardrobe trunk, I knew my days were numbered. I didn't blame you much. I was gettin' sort of old-fashioned and the younger actors would laugh when they saw me. And so the next season you left me a Mother Howard's, filled with old gag books, wreaths, your first pair of clog shoes, programs, bills, letters, music and odds and ends that the other two trunks were too proud to carry. Now you got me in the attic, Lefty, and I get kinda lonesome but it makes me feel good when you come up every once in a while and look through me. I like to see your eyes light up when you run across something that brings back memories to you. I like you when you bring up Junior, and when the kid sees you rummaging through me he sez, 'What's dat, Daddy?' And you stick on a red nose and your old wig and your clog shoes and do a few steps for him, and he laughs and tries to imitate you. How you hugged and kissed him and sed, 'Son, I hope some day you'll grow up to be the greatest song and dance man in the world...and you can start out with that little trunk there the way I did.'

'And so, here I stay, Lefty, filled with grand memories, memories of the time you lied about my weight to the bagagemen to save excess. How happy you were when you stuck that Orpheum Circuit label on me. Then the Keith-Albee Circuit label. The time you got a sticker from the Astor Hotel, was I proud. I knew you didn't stop there, but I wasn't saying anything! How did I know if the swell stickers the other trunks had on were true? So I just stood there and kept my lid closed. Yeh, Lefty, this is our 25th Christmas together, and I want to thank you for not turning me in for a new trunk. Just let me stick around. I don't take up much room and I may come in handy. I want to wish you and Aggie and the kid a Merry Christmas. Troupers like you deserve a hunk of happiness after dishing out bits and pieces to others. And remember, Lefty, if the time ever comes that you gotta go back troupin', just put me out of your mind, and give me some new corner iron, and I'll be good for a once-around route, with small jumps. Merry Christmas Lefty...look out your falling...'

'And the funny part of it, Joe I was falling and just woke up in time. That bottle of rye was okay. When it can make a trunk talk you can imagine what it did to me. I went downstairs and Aggie had the tree all trimmed...she kissed me...looked funny at me...but it's just before Christmas...and she forgave me the same she has done on every other holiday...err...Xmas, Joe, and may the boys and girls back there get a long route on the Continent Circuit, sez

P.S.—There is no p.s. THIS week.

Your Pal,

Lefty.

STUDIOS ON 44-HR. WEEK

At Least One Anti-Block Bill Due In Congress; Other Legislation

While a stalemate is expected to develop in the Congressional session opening next month as far as legislation is concerned, the latest check by industry officials indicates at least one measure directed against block-booking will be introduced in the next Congress.

There probably will be a new Neely measure incorporating the best points of the old bill and possibly legislation patterned after the old Pettengill block-booking plan, but both will have to be re-introduced. Pettengill is not returning to Congress and the old Neely plan has been wiped off the slate because it failed to pass in the House last session.

Present sentiment in the new Congress is understood to be stronger than ever in favor of some legislation directed against the picture business.

New Frown on Divorcement

Columbus, Dec. 20. Peculiar situation has developed regarding theatre divorcement in Ohio and several other states where independent circuits are usually strong. Some independent exhibitors, not affiliated with the indie chains, are bitter over the proposed divorcement setup, and their fears apparently are based on the belief that if they have plenty of difficulty bucking present independent circuit operations, even fiercer competition will result when affiliated circuits turn indie, through divorcement legislation.

Despite these exceptions in one or two states, the drive for theatre divorcement continues unabated with independent exhibitors making the loudest demands for cutting away present affiliated operations from the parent film companies. Industry leaders admit that theatre divorcement already has ready-made support from the public and in newspapers. Some claim it is likely to prove more powerful in the forthcoming session of Congress than any expensive lobby.

Right now, of course, theatre divorcement as an actuality depends on what action the U. S. Supreme Court takes on the appeal from the North Dakota law.

Divorcement of the theatres will prevent any interlocking directorates, unless given special permission by the Government, which is not likely. However, there is nothing to prevent stockholders in the picture company also from holding common stock in the partitioned circuits, or benefiting from any profits shown by the indie theatre circuit, through dividends declared.

Miss. Urges Bill

Minneapolis, Dec. 20. Northwest Allied States is urging Governor-elect Harold Stassen to incorporate into his inaugural message to the state legislature a declaration in favor of a Minnesota theatre divorcement law, similar to the North Dakota measure which a Federal court tribunal adjudged constitutional.

Northwest Allied is sponsoring the proposed Minnesota theatre divorcement law which would compel the Paramount circuit to divest itself of 85 showhouses.

Thomas' Rah-Rah Encore

Hollywood, Dec. 20.

Bill Thomas has been assigned by Paramount to produce a series of collegiate features.

Moved prompted by what 'Campus Confessions,' a short-budgetger which he made last summer, did at the b.o.

Freeman, Jr., Learning

Hollywood, Dec. 20.

Y. Frank Freeman, Jr., takes a minor post next month at Paramount to learn the picture biz.

He's the son of Par's new home office rep at the studio.

Not All Puff 'n' Praise

Hollywood, Dec. 20.

Metro bought two stories from members of its publicity department, one for Wallace Beery and the other for Mickey Rooney.

Writers are Ralph Wheelwright, who authored 'Thunder Afloat' in collaboration with Commander Harvey Haislip, and Guy Fowler, who penned 'Copy Boy.'

Casey East On AFM's Theatre Music Demands

Hollywood, Dec. 20.

Pat Casey is en route east to confer with major film company execs in the home offices prior to a parley with Joseph N. Weber, AFM prexy, on the latter's demand that orchestras be put back in all first-run theatres.

The move was initiated several months ago but temporarily sidetracked when film studios agreed to abolish practices redubbing and limit the use of music libraries.

DEARTH OF NEW PIX MATERIAL

Story editors report a dearth of suitable screen material but are looking forward to better film properties in the publishers' forthcoming spring catalogs. Purchases in the last four or five months have been negligible, compared to material bought in previous years.

Few stories or plays are being bought abroad this year. Metro was a heavy buyer of European play material last year, but this has dropped off considerably.

The legitimate theatre likewise has failed to provide picture producers with much screen material. Of the last 11 plays bought by film companies, either from this season's list or last, only four are considered successes. Metro is the outstanding purchaser of tonight stories and plays, having such properties as 'I Married An Angel,' 'On Borrowed Time,' and 'The Women.' Plays bought by other producers were 'What a Life,' 'One Third of a Nation,' 'Howdy Stranger,' 'Golden Boy,' 'Come Across,' 'George and Margaret,' '90 Days Hath September' and 'Babes in Arms.'

Philadelphia, Dec. 20.

Screen rights to 'The Parish Priest,' by the late Dan Hart, author-playwright and four times mayor of Wilkes-Barre, Pa., have reportedly been acquired by U. L. DiGiulini.

Hollywood join-man was recently in Philly, huddling with James Jennings, who represents Hart's family.

Ritzes' Personals

The Ritz Bros. will be reunited again this week when Al and Harry arrive from the Coast today (Wed.). Jimmy Ritz, accompanied by his wife, the former Ruth Hillard, has been in N. Y. a week or so, visiting. The Ritzes have finished 'Three Musketeers' for 20th-Fox and start two weeks of personal appearances at the Earle, Philadelphia, Dec. 23. Due back on the Coast Jan. 9 for another film.

LABOR CONTRACTS ARE NOT AFFECTED

Artists, Execs Outside Pale of Provisions on Wages, Hours—Status of 12,000 Craftsmen Studied by Pat Casey

LOCATION RUB

Hollywood, Dec. 20.

Motion picture studios put the 44-hour week system into operation yesterday (Monday) to conform with the new Federal wage-hour act. New plan, adopted at a meeting of studio managers and attorneys, affects all workers not specifically exempt under the law, or not employed under labor contracts which prescribe some other method.

Because of varying conditions in different spots, the new time scale will go into effect on a progressive basis, and will be placed in complete operation as soon as possible. It will not apply to executives, administrators, professional employees, artists and various others now employed under labor contracts. To give the workers a better understanding of the law and its operation, explanations will be placed in pay envelopes next week.

Meanwhile Pat Casey is holding negotiations to straighten out wage and hour difficulties involving 12,000 craftsmen. One of the biggest problems to be worked out is the application of the law to men employed on location. If men are dismissed after 44 hours, the studios will face the payment of transportation for two men in each case, with travel time to and from the location.

Regularly employed members of Projectionists' local 150, International Alliance of Theatrical Stage Employees will have to take a one-week vacation each year, unless they have been incapacitated for three weeks or more during that year. That was the substance of a constitutional amendment voted at the annual election.

Producers vetoed a separate working agreement with extras if Cinema Players, Inc. succeeds in its current move to withdraw Class B members from the Screen Actors Guild. Latter organization has a petition pending before the National Labor Relations Board for certification as bargaining representative for the extras. Because of the crowded NLRB calendar it may be more than a year before a decision can be reached.

Kenneth Thomson, SAG executive secretary, and other actor leaders declare the studio executives are ready to stand on the present Producer-SAG agreement. Part provides for a closed shop for extras, and for wage scales and working conditions for Class B members, as well as for stars and featured players.

Tops in CP insist they will press their demand for certification, and will carry the fight into the courts if necessary.

No Significant Amus. Stock Moves Via S.E.C.

Washington, Dec. 20.

No significant stock maneuvers by film company insiders revealed this week in latest Securities & Exchange Commission report on officers and directors.

Semi-monthly statement revealed Mabel M. Malone of New York some time back unloaded her 55 shares of Pathe Film common, but hung on to a single share of preferred, while Abe Schneider, Columbia Picts treasurer, in September gained via declaration of dividends two Col. Pics. voting trust certificates, giving him 102 in all.

Harold Saxe of New York, newly-designated officer of Educational Picts., was disclosed to have no financial stake in the company.

H'wood Film Royalty Must Shift For Itself Now; Motorcycle Escorts Out

Too Real for Reels

Hollywood, Dec. 20.

Metro's 'Feds in White' calls for a flood scene but Monday's (19) downpour washed out the carpenters who were building the set.

Phony deluge will be poured when the back lot dries out.

Hollywood, Dec. 20.

Motion picture royalty is shorn of its Royal Guard. Those motorcycle police escorts with screaming sirens no longer convoy notables to and from the studios. Hollywood biggies were told to do their own policing at the first meeting of the new Los Angeles police commission.

From now on, city cops are restricted to city copping—not performing as atmosphere for Hollywood social and theatre functions. Nor will they be assigned to flag down motor traffic while studio companies are working on location.

Even the boss races, where film folks gather, are hit by the new restriction. City police assigned to the Santa Anita track, outside the city limits, have been called off the job. Hereafter the hayburners will run with county police protection.

Understood the annual Police Show, largely supported by the film colony, is officially defunct. It was the annual event that brought picture people and police together like old pals—walsies. The divorce is complete, socially and otherwise.

Film Drive Ends Dec. 31; Abandon RKO Headqtrs.

Motion Pictures Are Your Best Entertainment headquarters shutters as of Dec. 31. Although the 'Silver Jubilee' idea for the 50th anniversary of films has not been abandoned, actual decision on the exact form the anniversary year is to take and how the campaign is to be carried on will not be made until early next year.

Present plan is to proceed carefully in outlining the 'Silver Jubilee,' thereby avoiding the pitfalls encountered in the Greatest Picture Year drive. There is small chance of a central information bureau on film matters being set up, opinion in the trade being that the industry already has such in the public relations division of the Motion Picture Producers & Distributors Ass'n, and any such bureau would virtually duplicate this department.

Harold B. Franklin, reported payroll at \$500 per week, and working with a skeleton staff of four, also concludes on Dec. 31. During the peak of the general campaign and Movie Quiz, some 35-40 people were employed and the weekly payroll ran as high as \$3,000. Temporary quarters in the RKO building are being given up.

Warnings have been sent out from headquarters of the campaign telling exhibitors to be sure to have their entries in the Movie Quiz contest postmarked not later than Dec. 31, 1938, in order to be eligible to share in the \$250,000 prize money.

Pix No Longer a Luxury, Neb. Gov. Assures Exhibs

Lincoln, Dec. 20.

Classing of motion pictures, cigarettes and tobacco as no longer luxuries but necessities in every day life. Governor Cochran took a load off Nebraska showmen this week when he met with a delegation of exchange men and exhibitors here. Show biz was powerful in backing his third term run on the 'white spot' ticket, which stood against old age pensions, new taxes, etc.

Said he could see no good in taxing flickers, because they were the poor man's relaxation, contributing a great deal to his education, betterment of living stands, as well as his entertainment.

Bob Livingston, film lobbyist and manager of the Capitol theatre here, m.c.d the affair, calling for blab from Charles Williams, MPTOA leader in Nebraska; Ted Mendenhall, Par exchanger speaking for the distributors; Sam Epstein, nabe house operator; Max G. Towle, county attorney; and Ralph Blank, for Tri-States, the biggest exhib-distrib partner in Nebraska (A. H. Blank-Par).

BANG-UP START

Hollywood, Dec. 20.

Edward Kaufman's first job as associate producer under the Sol Wurtzel banner at 20th-Fox is 'The Big Drum,' due to start early next month.

John Larkin, author of the original newspaper drama, is doing the script.

NABE MAY SPLIT UP NW ALLIED

Minneapolis, Dec. 20.

Failure of Northwest Allied States to take action to stop the Paradise, neighborhood house owned by its president, W. A. Steffes, and Bennie Berger, from buying Metro first-runs among the independents, and showing the films at a lower matinee admission than competing houses having later clearance, still threatens to disrupt the organization. Several of the 'more important' members, owners of de luxe neighborhood houses, have declared they'll withdraw after the first of the new year. A loss of a number of members is feared.

Steffes says that Berger is in complete charge of the Paradise operations and that he, Steffes, has no control over his partner. He also declares that Northwest Allied cannot dictate sales policies or prices to distributors.

On its part, M-G is denying that it has decided next season to sell 'runs' entirely, instead of basing its rentals and clearance on admission charged and the theatres' importance. The exhibitors angry over the Paradise situation declare it's paving the way for cut-throat competitive bidding among the independents for product and prior clearance and will have the effect of boosting film rentals substantially.

Jean Sablon No Like RKO Role, Walks on 'Castles'

Hollywood, Dec. 20.

Jean Sablon ankled off 'The Castles' set at RKO Monday (19) due to dissatisfaction with the part handed him.

Studio planned a Chevalier build for the French songster.

Laurie's Metro Film

Hollywood, Dec. 20.

Joe Laurie, Jr., is at Metro to work on a treatment 'Babes in Arms' for Mervyn LeRoy production. He continues as chief comedy writer for Al Jolson's airshow.

Taylor's Puck-Pusher

Hollywood, Dec. 20.

Robert Taylor gets the star spot in 'Hands Across the Border,' a hockey yarn to be produced by Sam Zimbalist at Metro.

Lawrence Stallings, Harvey Haislip and Harold Shumate are winding up the script job.

Philly Judge Pans Penny Laws On Theatre Games as 'Ridiculous'; N. Y. Exhibs Move to Curb Giveaways

Philadelphia, Dec. 20. Small-scale return of games and similar gimmicks to Philly moves may follow the action of a municipal court judge last Wednesday (14) in ordering the acquittal of two exhibitors on a charge of conducting "Quiz" games in their house.

Inasmuch as there has never been a conviction on criminal charges here of exhibitors accused of running games in their theatres, there is considerable talk by operators of inaugurating the games again and just taking a chance on being arrested. Acquittal is practically certain. Possibility of exhibits taking such action looms particularly large at this time, with grosses off badly and any possible hypo needed.

Judge Eugene C. Bonniwell, in ordering the acquittal of Nat Abelow, manager of the Ritz, and Alfred Shrier, his assistant, caustically assailed the State's lottery laws as "ridiculous." Abelow and Shrier last summer volunteered to have themselves arrested in order to get a trial in criminal court on the "Quiz" charge. Abelow is brother-in-law of Dave Barrist, operator of the Quality Premium Co., distributors of the game, which has already been declared illegal in civil action.

"The spirit of chance," Judge Bonniwell said, "is in every red-blooded man and woman and it is bound to continue to gamble whether it is legal or illegal. Trouble is that one-half of the people have to play bingo or similar games, while others in better circumstances play the stock market and are called financiers."

"The average church today operates a lottery and is blamed at, but if some obscure person plays a similar game he is classified as a common gambler. The whole thing is ridiculous. I cannot conceive that the law intended to apply to reputable people who play a game of chance unaccompanied by disreputable surroundings or disorderly conduct."

The Switch

Premiums have been growing so here recently that standing gag in the territory is that film exchanges are no longer asking preferred playing time for their product.

Request now is that their pictures be given "preferred premium time."

Dishes, which have practically faded from the Philly theatre scene with the heyday of games about a year ago, have reached new heights in this territory as b.o. builders. Warner Bros., which went into them when pushed by competing indies in South Philly about a month ago, have added the crockery in many of their better houses. The results are reported astonishingly good. This is particularly true in locations where premiums have never before been used, as the giveaways usually reach the end of their tether of usefulness in about three years.

33 N. Y. Houses Still Use 'Em

New York, Dec. 20. Although a committee of independent and affiliated circuit representatives has been named to work out a feasible plan for the elimination of so-called audience contest games and cash prize distributions in New York City, in the meantime so-called games in which an element of chance is involved are un-abated. Check showed that about 33 theatres employed at least one such contest in their houses Monday and Tuesday of this week.

New York exhibitor committee consists of Walter Reade, David Weinstein, Sam Seelan, Abe Shenk, C. C. Moskowitz, J. J. O'Connor and Max Cohen. Hope is expressed that some workable plan may be formulated so that chance games can be eliminated.

Unofficially, present drive of indie exhibitors to quit all the on-the-so-called more expensive cash contest games presents amusing features as viewed by many circuit operators, who, for months, resisted the trend towards the money-giving stunts. Many of these waited until competition from numerous smaller houses became so fierce that they had to get into the swim in order to hold patronage.

ing different games: Avenue B, Canal, Apollo, Astoria, Century, Bur-land, Broadway, Bedford-Boston Road, Commodore, Fairmount, Elsmere, 42nd Street, Gates, Inwood, Kings, Lincoln, Melba, Mt. Vernon, National, Palace, Paradise, Spooner, Valencia, Victory, 175th Street, Oriental, Pitkin, Warwick, Plaza, Prospect, Post Road, Woodside and Yonkers.

Chi Getting Tired, Too

Chicago, Dec. 20. Giveaways in this territory indicate that they have reached the point of diminishing returns.

Theatres, in a wild scramble for giveaways during the past few months, have gone overhead in costly plans and ideas, evidencing that they are about running short of giveaway schemes sufficiently strong to attract coin.

Example of the type of gifting exhibs have gone to around here is seen in the stunt of the northside Adelphi, in a conservative home section. In addition to double feature, the Adelphi gave a large dinner serving plate to all females, at 25c admission. And to top it off, served the ladies with a sandwich and coffee, gratis, with each plate.

While Allied as an organization has taken no official cognizance of the situation, the members among themselves seem agreed that they have gone as far as they can go in the direction of gifting patronage, and indications are that the theatres will be on the road back to show business within the next few weeks.

Banko Raids in Wis.

Minneapolis, Dec. 20. With theatre "Bank Night" designated by Circuit Judge Robert F. Cowie along with slot machines, poker and roulette as "open commercialized gambling," William Freise, manager of the Rivoli, La Crosse, Wis., was arrested and released under \$500 bail pending a trial on charges on conducting a lottery.

As result of Judge Cowie's blast, District Attorney William H. Stevenson had the two La Crosse theatres, the Rivoli and Hollywood, using "Bank Night," raided. All paraphernalia used in the showhouses were ordered to cease it.

The Hollywood complied, but at the Rivoli, where \$3,600 was waiting to be drawn, Freise obtained duplicate equipment and continued with the drawing. Jewell Filler, an unemployed school teacher from a nearby small town, won the \$3,600.

Freise has pleaded no guilty. The case is expected to come to trial during the next fortnight.

Hurts Scholarship

Boston, Dec. 20. Authorities and Quincey, Mass. police are ramping down on "bank night," as a part of a county drive by District Attorney Edmund R. Dewing, who blames banko and slot machines for a decline in scholarship and discipline in public schools.

Detroit's Bingo Ban

Detroit, Dec. 20. Film row here is cheered by possibility police are actually going to clamp down on bigtime bingo and keno games, which have been digging deep into theatre boxoffices. Police racket squad last week issued ban on lotteries parties masquerading as bingo and keno parties, and sent warnings to organizations conducting such games.

"We don't intend to bother legitimate parties for charitable purposes," Lieut. John McCarthy declared, "but some of these affairs are out of bounds. If an attempt is made to continue these lotteries, we'll close 'em ourselves."

Legalize Bingo?

Hartford, Dec. 20. In a letter to seven civic and religious orders in this city, Prosecuting Attorney Benedict M. Holden, Jr., has advised that bingo games are "games of chance" and are illegal and should be stopped in order to prevent embarrassment to the police and prosecuting officers. Understood that a bill is in preparation to legalize bingo under non-profit, apolitical auspices, such as church, fraternal and social organizations. Ex-

Jit Goes Long Way

Los Angeles, Dec. 20. Film house on Main street sets a new high (or low) in picture bargains. Come-on proclaims "Five Feature Films for Five Cents."

French 'Puritan' Pic Nixed by N. Y. Censors, ACLU Files Appeal

New York state censor board ban on "The Puritan," French film based on Liam O'Flaherty's story, has been appealed to the state board of regents. American Civil Liberties Union is supplying the appeal. American rights for the film are held by Jean Lenuer, who operates the Filmart, New York arty. Arthur Garfield Hays is his attorney.

Film was shown to about 25 newspaper men and others in the trade last Friday (16), following which all but three of those present indicated their opposition to the censorial nix. "Those present were asked to write letters of protest to the board of regents. Not known when the board's decision will be announced."

"The Puritan" is described as attacking religious fanaticism. Understood the censors banned it on the ground that it might be taken by the public as an attack on religion in general. In case the regents uphold the censor board, further legal action by Lenuer is unlikely.

PAR SIGNS MURIEL ANGELUS FROM LEGIT

At present in "Boys from Syracuse," Broadway legit, Muriel Angelus has been given a contract by Paramount. English singing actress, who has done picture work in Britain, does not start for Par until "Syracuse" ends its run.

Also in concert and on the air abroad, Miss Angelus was for one year with British International.

Dembow Back at Desk

Confined to his home in Westchester for three weeks following a heart attack, Sam Dembow, Jr., has now returned to his desk.

While greatly improved, the F. & M. vice president has been ordered to take it easy.

pected to be introduced at the General Assembly, which meets in January.

In his letter Holden said that if the various organizations are allowed to continue to conduct games of chance for charitable purposes then professional gamblers cannot be prevented from operating.

State Senator Michael A. Rita of Hartford will sponsor a bill in the General Assembly, "which meets in January, to legalize bingo if played for any church or charitable cause."

Des Moines, Dec. 20.

A petition by C. V. Kewley, asking the city council to cancel the licenses of 14 Des Moines theatres until such time as they agree to discontinue "games of chance and prize offerings," has been received and filed by the city council.

Bingo, the Co-respondent

Bingo, the gambling game that gave women equality in Summit County gambling joints, took its place in the list of things that break up homes here.

Thomas J. Boggs points an accusing finger at the game in his divorce petition against Mrs. Nellie Boggs. He accused her of "dissipating a portion of his earnings by playing bingo." This and other acts will support his charge of neglect, the husband contends.

No Lottery in Miss.

Biloxi, Miss., Dec. 20. An effort to halt banko in Biloxi failed when Justice of the Peace E. D. Lawrence dismissed the case of State of Mississippi vs. M. E. Ferrera, manager of the Saenger here. Judge Lawrence opined, "There having been no case handed down by the supreme court that theatre bank night has proven to be a lottery, it is the discretion and decision of this court that the defendant, charged with advertising a lottery, is not guilty."

CDU UNION'S DRIVE AROUND EASTERN U.S.

Drive of the Cashier, Doorman and Ushers' union in the eastern sector of the United States is going forward slowly but shows signs of progress. Most activity is in Brooklyn.

CDU union has finished a survey of working conditions from Albany to New York, down through Massachusetts, Connecticut and most of New England, finding that 65% of cashiers, doormen and ushers were being used for other duties, besides those for which they were hired.

Greatest abuses uncovered in upper New York and New England where the potential members of the CDU double as candy clerks. In New York some help is used in the cloakrooms. And for relief in washrooms. Also claim evasions of the Wage-Hour bill on overtime.

Fund is being set up to publicize the IATSE in order to change the present public idea of the organization and make it known as the International Alliance of Theatre and Stage Employees rather than just as a stagehands' union.

It's On Again Between Hammons-Warner On GN

Grand National Pictures Corp. and Fine Arts Pictures have rejoined forces, following recent news of disension which led to an announcement by Earle W. Hammons and Franklyn Warner that FN had withdrawn from its producing obligation to Grand National.

Hammons and Warner issued a statement yesterday (20) that a new contract has been signed by both whereby FA will continue production of scheduled 26 pictures for GN release. An additional series of six high-budget films will also be made for GN by Warner.

Totalitarianism Gangs Up on One Pitt Manager

Pittsburgh, Dec. 20. Gabe Rubin, manager of Art Cinema, foreign film site here, is over the Soviet-made "Professor Mamlock" in face of permanent boycott threat made by Catholic organization representing 250,000 members.

Head of religious group phoned Rubin few days after picture opened, condemned it as Communistic propaganda and told operator that unless he yanked the film the ban would be invoked immediately. Art Cinema manager, however, decided to chance it, taking action opposite to that of Barry last week when that house pulled "Fight for Peace," after four days because of similar circumstances.

Barry's case, however, was slightly different. In addition to sounding boycott warning, Catholic groups also picketed house all day long. So far, Art Cinema hasn't had to contend with any placard paraders out front.

In past, when playing Soviet films, Art Cinema has heard scattered protests about propaganda content but always from scattered individuals.

This is the first time and organizer group has ever come out flat-footed with boycott challenge. Theatre, management and "Mamlock" also came in for thorough lambasting in Catholic press locally. Situation leaves Art Cinema up a tree. With German, Italian and Polish pix out for obvious reasons, Rubin is pointing out that leaves only Russian and French product for him to play and latter is spotty here.

To Appeal Sabbath Rap

Cambridge, O., Dec. 20. Attorneys for the Cort theatre will appeal \$50 fines imposed on manager Dan Gilhula and three employees on charge of violating an ordinance prohibiting Sunday films.

The fines were set by Mayor Homer Sheppard after the defendants were found guilty in municipal court. The theatre opened on a Sunday to test the Sabbath ordinance, repeal of which was rejected by voters at the Nov. 8 election.

REP READIES THREE

Hollywood, Dec. 20. Sol Siegel signed three writers for as many films on the Republic lot. Joseph Moncurie March goes to work on "Doctors Don't Tell," Doris Malloy on "Lady in the News," and M. Coates Webster on an original Higgins Family story.

HAYSITES FIRM ON ITALIAN STAND

The Italian government decree, which becomes effective after Dec. 31 next, on distribution of films in Italy was the most vital subject discussed at the regular quarterly meeting of the Hays office yesterday (Tuesday) afternoon. Revealed anew that all major companies were preparing to withdraw Dec. 31, picture executives claiming they were being forced out by the terms of the Italian decree.

George J. Schaefer was elected to the board of directors to represent RKO in place left vacant by Leo Spitz.

Directors were told of plans to make features for the N. Y. and Frisco fairs.

Regular session adjourned until Jan. 4, members of board attending being Barney Balaban, Nate Blum-berg, Jack Cohn, E. W. Hammons, E. B. Hatrick, Will Hays, Frederick L. Herron, Sid Kent, Murray Silverstone and Schaefer.

OUSTER SUIT OVER FOX, DETROIT, THEATRE-BLDG

Detroit, Dec. 20. Charging laxity, a petition asking ouster of Dave Idzal and Union Guardian Trust Co. as co-trustees of the Colwood Co., owner of Fox theatre and building, was filed in Federal court here last week. Judge Ernest O'Brien will hear the case this week.

Three bondholders, represented by Harris W. Wiener, allege that trustees have failed to put into effect a lease agreement formulated under approval of Judge O'Brien on June 15, 1937, when Colwood was re-organized. As result, the petition charges, bondholders have lost around \$75,000 to date.

Under the reorg plan, the newly-created Fox Michigan Corp., with the Skouras Bros. in control, was to operate 5,000-seat theatre under 15-year lease with a minimum rental of \$125,000 yearly, plus a percentage of grosses over specified figure.

It has been reported from time to time that Skouras would turn the Fox over to George W. Trendle, prez of United Detroit theatres (Par subsid), for operation. Several schemes developed, however, including the Government's drive on theatre chains and the fact of actual leasing of the spot either to Skouras or Trendle. Latter now operates string of 15 theatres in Detroit, including four big downtown spots.

Trendle's Michigan, long a vaud film rival of the Fox, now managed by Idzal, has been on dual film policy for past six months. It's believed that in event Trendle gets Fox, only one of two vaudfilms would be run as such, with fleshless one taking the pick of pooled flickers.

'Marshal Ney' Book In \$250,000 M-G Suit

Charlotte, N. C., Dec. 20. Legette Blythe, reporter on the Charlotte (N. C.) Observer, filed suit for \$250,000 in Federal court here against Metro-Goldwyn-Mayer and Loew's, Inc., charging that a picture dealing with the life of Marshal Ney, entitled "The Bravest of the Brave," was a "steal" of Blythe's "Marshal Ney: A Dual Life." Blythe sets forth in his complaint that he spent four years prior to Jan. 15, 1937, writing the book and that figure work contained a large amount of material wholly original with the plaintiff.

Blythe also alleges that in April of last year the book was submitted to the defendants, and was read by its directors, agents and employees, and was in possession of the defendants at the time the picture, "Bravest of the Brave" was produced by them.

The Blythe book, published in the U. S. and England, deals with Ney's life as a marshal under Napoleon in France and the supposition that he came to America and became a North Carolina schoolmaster.

SELF-REG VAMPS TILL JAN.

OUTLOOK GLUM FOR QUICK OK

No Acceptances by Any of the Trade Bodies—Several Rejected or Attacked the First Draft—Parleys After Jan. 1 to Reframe Language, Etc.

EXHIBS TO ACT

The outlook being gloomy for early ratification of a trade practices program, following several rejections and attacks by no acceptance, sessions of attorneys for both sides will probably be held after the holidays to discuss the legal language of the first draft, certain objections to the language used, and other phases or changes that may be demanded. This will no doubt be the next step rather than discussion as to the basic principles of the draft, it is indicated by W. F. Rodgers, general sales manager of Metro, who is spokesman for the distributor group.

Returning from the Coast Monday (19), Rodgers stated no meetings among distributors or their attorneys have been set and probably wouldn't be until after the holidays. By that time all of the 10 independent exhibitor organizations which were furnished drafts of the first trade practice program worked out should have given their answers. Allied States Assn. may delay its official answer until Jan. 15 when it holds its annual convention.

Will Try for Changes
Rodgers indicated that it was more likely that the attorneys for distributors, as well as for the various exhibitor organizations, would huddle next on the trade practice draft, rather than the distributors themselves. There may be meetings, however, among the distributors, while it is seemingly impossible to effect satisfactory changes in the proposals made through counsel, the distrib committee may have to negotiate certain points all over again with the exhib committees. This would necessitate the calling to New York of the negotiating committees of the various indie groups involved.

(Pending any early anticipated answer from the two large national exhibitor bodies, Allied and the Motion Picture Theatre Owners of America, the initial trade practice draft submitted to the 10 organizations, has been rejected by three localized units. These are the Independent Theatre Owners of Southern California; the Independent Theatre Owners Assn. of New York, and the Theatre Owners & Managers of the Rocky Mountain Region, Inc. All flatly rejected the first draft sent them.

The ITOA of N. Y. took particular exception to the point in the draft worked out by distributors which conferred agreement by both exhibs and distrib that every effort would be made to eliminate falsification of gross receipts when pictures were played under percentage. ITOA deemed this to be a reflection on the integrity and honesty of the exhibitor.

Rocky Mt. Exhibs Spurn Proposed Self-Reg Plan

Denver, Dec. 20.
Turning down of the proposed fair trade practice agreement proposed by the producers-distributors was the only business transacted at a special meeting of the Theatre Owners and Managers of the Rocky Mountain Region. The exhibs felt the agreement gave up but a few crumbs, and even then such as they were would not become effective until the '39-40 season. The vote to reject was unanimous.

The board of directors was instructed to formulate new demands along the lines originally proposed by the Rocky Mountain group, which included a straight 20% cancellation clause, selling of shorts separately

and not forcing them with features, elimination of the score charge, and they are expected to again urge that exchange managers be given wider latitude in making deals and arranging settlements of differences. Local exhibitors claim present arrangements make the exchange managers little more than office boys as far as exhibitors are concerned.

Carryover of big pictures from the end of one selling season to the next, to promote sales for the new year, has long been a sore spot among local exhibitors and they will also protest continuation of such practice.

Cal. ITO Head Balks At Exhib Reform Draft

Los Angeles, Dec. 20.
Disappointment over the preliminary draft of reforms submitted to exhibitors by the Distributors' Committee of the National Trade Practice Conferences was expressed by Albert Galston, head of the Independent Theatre Owners of Southern California.

In a letter to William F. Rodgers, of the distributors committee, Galston said:

'We cannot believe that the committee was unanimous in the final adoption of their draft. It is our duty to continue negotiations, and we believe the subsequent sessions will bring about a more complete adoption of the balance of our points.'

SISTROM TO LONDON FOR RKO'S 'SAINT'

Hollywood, Dec. 20.
William Sistrom returned to RKO after an absence of six months and leaves for England in January to supervise 'The Saint in London,' third of the Saint series.

George Sanders, currently playing the name role in 'The Saint Strikes Back,' gets the same spot in the British RKO production.

Exhibs' Peeve

New York exhibitor leaders returning from attending various MPTO conventions in the southwest, midwest and south, express keen interest in the trade practice parleys, but are much disappointed, both at the delay in arriving at any decision in present conferences and also that more progress had not been made previously.

Recently, exhibitors at these meetings claimed that the entire trade practice situation should have been taken up and settled two years ago.

Jitterbug Contests In Film Houses Use Discs But Union Stops It

Philadelphia, Dec. 20.
Musicians' Local has cracked down on houses running jitterbug contests to the tunes of phonograph records. Jumbo and Dante Theatres, both indies, were first to feel the threats. They replaced the wax with five-piece bands. Warner houses have been using live music all along for their contests.

Plans now under way here for a traveling jitterbug contest to make the rounds of indie houses, although the stunt as a b. o. builder has pretty well worn itself out now. WB has given up the contests entirely.

Brennan Gets a Lift

Hollywood, Dec. 20.
Walter Brennan gets a fattened role in 'Stanley and Livingstone' at 20th-Fox as result of his work in 'Kentucky.' Darryl Zanuck sent the screenplay back for rewriting. Nancy Kelly was assigned to the femme lead, with Spencer Tracy playing Stanley.

Despite New Wage-Hour Ruling, Exhibs Claim They Are Exempt

K-A-O PFD. DECLARES \$3.50 DIVVY DEC. 23

Keith - Albee - Orpheum declared \$8.50 dividend on the 7% preferred payable Dec. 23 to stock on record Dec. 19. Divvy is being paid out of capital surplus. It covers the quarters ending Dec. 31, 1935, and the one ending on March 31, 1936.

Stanley Co. of America, Warner Bros. subsidiary, showed a net profit of \$2,063,763 for the year ended Aug. 27 last. After adjustment of reserve, additional profits from sales of capital assets and discounts and deduction of dividends declared during the year, the company had an earned surplus on Aug. 27 of \$5,007,582 to carry to the balance sheet.

Stanley Co. paid out \$723,877 in dividends for the past fiscal year. The net income before other income, tax deductions and other charges amounted to \$6,244,749.

Cinecolor's Divvy

Hollywood, Dec. 20.
Cinecolor, Inc., pays total divvy of \$12,210, Dec. 23, to holders of common shares. Similar dividend was paid last June. Company's new \$150,000 plant in Burbank will be ready for operation Jan. 15.

'DOC' FOR BUCQUET

Hollywood, Dec. 20.
Metro assigned Harry Bucquet to direct the second of the 'Dr. Kildare' series with Lew Ayres in the top role. Shooting starts soon after New Years.

While the latest ruling of general counsel Calvin Magruder of the U.S. Labor Department's wage-hour division indicates that federal regulators expect the bulk of film business to comply with this new law, the industry has received no notice of change from the old ruling of about a month ago exempting exhibitors from coming under wage-hour regulations.

Because of the large number of film theatres operating in the U.S., the exhibition end of the business naturally is interested in any change having to do with their operations. As the ruling stands, picture houses have been classified so as to be entirely exempt from complying with the rules on maximum hours and minimum wages.

Exhibitors identified with larger circuits already are paying considerable more than present wages and are employees worked less than the minimum hours required by the new U. S. law.

However, the wage-hour statute would hit smaller theatres, the ones least able to comply with the stipulations and still continue a profitable business. This is because of part time jobs given ushers, doubling up of workers and often using members of the exhibitor's own family in these smaller operations.

NLRB TAKES ON SWG CASE AS A B'D MATTER

Hollywood, Dec. 20.
National Labor Relations Board today (Tuesday) removed the Screen Writers Guild case from the hands of the Los Angeles regional director and made it a board case. Bernard Alpert, special NLRB representative, notified attorneys for producers of the action and stated that if unfair labor practice complaints are issued against major companies they will be signed personally by three members of the board.

Action followed three weeks' investigation by Alpert when Dr. Towne Nylander, NLRB regional director, declined to issue complaints after producers failed to recognize SWG certification as the exclusive bargaining representative for all screenwriters. Nylander had criticized action of SWG negotiators in walking out of meeting with company executives and had suggested further effort be made to reach an agreement.

Attorneys for producers are puzzled over the action, but several expressed an opinion that the regional director had felt complaints were not warranted and that writers had brought pressure to bear on the board. Tops in SWG said that the complaint was being amended to make charges more serious. Expressed confidence complaints will be issued and trial ordered for about Jan. 11.

Mystery by the Mile

Hollywood, Dec. 20.
Paramount bought 11 magazine mystery yarns by Frank Gruber, to be produced with Lynn Overman in the role of Oliver Quade, chief character of the series.

Stories are, 'Brass Knuckles,' 'Death at the Main,' 'Murder on the Midway,' 'Ask Me Another,' 'Pictures of Death,' 'Trailer Town,' 'Death on Eagle Crag,' 'Rain, the Killer,' 'Dog Show Murder,' 'Forced Landing' and 'Death Sits Down.'

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L. A. Downpour Adds to Pre-Santa Woes; 'Heart'-River' Day-Date, \$16,200

Los Angeles, Dec. 20. One of the two traditionally bad weeks of show business handed out its customary wallop to the L. A. first runs currently, and grosses will reach lowest point in many months. Most of houses are fortified with better than average pictures, which they hope will stave off ruinous trade, and many are rushing in previews wherever they see a chance to bolster.

Torrential rains no help, either.

Estimates for This Week
Chinese (Grauman-F-WC) (2,024; 30-40-55-75)—"There Goes My Heart" (UA) and "Up River" (20th). dual. Holiday shopping along the boulevard cutting in heavily and best in sight is \$7,000. Last week, "Shining Hour" (M-G) and "Spring Madness" (M-G), okay \$10,200.

Downtown (1,800; 30-40-55-65)—"Patrol" and "Nancy" dual. Should wind up with \$10,000. Last week, "Heart of North" (Col) and "Broadway" fell off to very disappointing \$6,200.

Four Star (F-W-C) (900; 40-55)—"Citadel" (M-G) (5th week). Comes off Christmas eve after profitable 5 1/2 weeks. Current run of \$10,000. Last week of town for \$2,000, after fourth week added \$3,300.

Hollywood (WB) (2,756; 30-40-55-65)—"Dawn Patrol" and "Nancy Drew" dual. Facing \$10,000. Last week, "Heart North" and "Comet" fell off to dismal \$5,300.

Pantages (Pan) (2,812; 30-40-55)—"Little Tough Guys" (U) and "Smashing Spy Ring" (Col) dual. Due to the holiday rush along Hollywood Blvd. and will be lucky if hitting \$4,500. Last week "Miss Mantion" (RKO) and "Man to Remember" (RKO) showed surprising strength with \$7,700 in the till.

Paramount (Par) (3,595; 30-40-55)—"Say It French" (Par) and stage show. Say it in any language it's downright bad at \$3,000. Last week, "Thanks for Memory" (Par), weakened as stanza progressed and wound up with slightly in excess of \$9,000, pretty poor.

RKO (2,872; 30-40-55)—"Little Tough Guys" (U) and "Spy Ring" (Col) dual. Downtown bid away off to \$5,500 okay. Last week, "Miss Mantion" (RKO) and "Man to Remember" (RKO), profitable at \$7,200.

State (Loew-Fox) (2,414; 30-40-55-75)—"There Goes Heart" (UA) and "Up River" (20th) dual. Doing okay considering Christmas opposition with \$2,200. Last week, "Shining Hour" (M-G) and "Spring Madness" (M-G), neat \$12,500.

United Artists (F-WC) (2,100; 30-40-55)—"Shining Hour" (M-G) and "Spring Madness" (M-G) dual. One of this brace not calculated to cause any optimism, as \$2,400 atests. Last week, "Young Heart" (UA) and "Always Trouble" (20th), brutal \$1,800.

Wishful (F-WC) (2,046; 30-40-55-75)—"Shining Hour" (M-G) and "Spring Madness" (M-G) dual. Not hitting strong pace on moveover with answer about \$4,100. Last week, "Young Heart" (UA) and "Always Trouble" (20th), only so-so \$4,400.

Montreal Shoppers

Give 'Waltz' \$2,000

Montreal, Dec. 20. Stores open at 11 p.m. every night and weather agreeable for shopping. Stand-out of week will be "Great Waltz" at Palace. Last week, "Waltz" (M-G) (2nd wk), \$2,000. Loew's vaude will run eight days to Friday (23) and looks for \$5,500.

Estimates for This Week
Palace (CT) (2,700; 25-45-55)—"Great Waltz" (M-G). Heading for \$8,000, good. Last week, "Hot to Handle" (M-G) n.s.g., \$4,000.

Capitol (CT) (2,700; 25-45-55)—"Heart North" and "Devil's Party" dual. Looking for \$4,500, fair. Last week, "Brother Rat" and "Torchy Man" (Par), \$3,000.

Loew's (CT) (2,800; 25-34-40)—"Girls on Probation" and vaude. Eight days to Friday (23) paced at \$5,500, good enough. Last week "Road to Reno" (U) and vaude, \$6,000, good.

Princess (CT) (2,300; 25-34-50)—"Arkansas Traveler" (Par) and "Thanks for Memory" (Par). Above average program sighting \$3,500, good. Last week, "Meet Girls" (20th) and "Meet Girls" (20th), \$2,000, flopper.

Orpheum (Ind) (1,100; 25-40-50)—"Cowboy and Lady" (UA) (3d wk). Pic has outlasted welcome. At \$1,000, bad. Last week, \$2,000, poor.

Cinema de Paris (France Film) (600; 25-50)—"Paix sur le Rhin," nice \$1,500. Last week repeat of "Pepe le Moko" good enough \$1,000.

Le Dens (France Film) (2,300; 24)—"Nuits de Feu" and "Tigre du Bengale." Okay \$3,000. Last week "Nuits de Prince" and "L'Escadrille de la Chance" good enough \$3,500.

Broadway Grosses

Estimated Total Gross
This Week.....\$199,100
(Based on 11 theatres)
Total Gross Same Week
Last Year.....\$234,200
(Based on 12 theatres)

'MEMORY' BEST D.C. MUSCLE, \$4,500

Washington, Dec. 20. Tops for town this week will be \$12,000, being eked out by "Christmas Carol" (M-G), exactly two-thirds of average at Capitol, ace Loew vaude spot. Only thing really showing a profit, outside of second week of "The Citadel" is "Thanks for Memory," which is getting solid average at Columbia, usual second run house, and which boys now wish they'd put into Capitol.

Estimates for This Week
Capitol (Loew) (3,434; 135-40-66)—"Christmas Carol" (M-G) and vaude. Failing to tune of \$12,000. Last week "Dramatic School" (M-G) and vaude, weak \$15,000.

Columbia (Loew) (1,234; 25-40)—"Thanks for Memory" (Par). First run in normally second-run spot getting good \$4,500. Last week "If King" (Par) (2d run), same figure.

Earle (WB) (2,216; 25-35-40-66)—"Heart of the North" and vaude. "Gang Buster" on stage some help, but combo will flop through to sick \$11,000. Last week "Comet Over Broadway" and vaude dropped to pathetic \$9,000.

Estimate (RKO) (1,830; 35-55)—"Storm" (U). Muddling along with \$5,000. Last week "Little Tough Guys" (U), same figure.

Met (WB) (1,600; 25-40)—"Angels" (2d run). Second week of repeat holding toward \$3,500. Last week same pic took good \$5,200.

Palace (Loew) (2,242; 35-55)—"Citadel" (UA) (2d wk). Holding nicely for \$6,000. Last week same pic collected good \$7,100.

'Drums' Velvety \$4,000, 'Carol' 3G, Okla. City

Oklahoma City, Dec. 20. "Drums" hefty \$4,000. State. "Christmas Carol" keeps Tower on first-run with okay \$3,000.

Estimates for This Week
Criterion (Stan) (1,500; 25-35-40)—"Service de Luxe" (U). Just fair \$5,300. Last week "Shining Hour" (M-G), slow \$4,500.

Liberty (Stan) (1,200; 20-25)—"Thanks for Memory" (Par) and "Mysterious Rider" (Par) split with "Lost Express" (U) and "Swing Cheer" (U). Okay \$2,500. Last week "Youth Fling" (U) and "Exposed" (U) split with "Up River" (20th) and "Road Demon" (20th), \$2,100, slow.

Midwest (Stan) (1,500; 25-35-40)—"Hard to Get." Looking for \$4,500. Last week "Angels," \$5,500.

State (Noble) (1,100; 20-25-40)—

'Waltz' Gracefully Waltzes to Pitt Lead, \$13,000; 'Monastery' \$3,300

Pittsburgh, Dec. 20. "Great Waltz," at the Penn, is pushing the figures comfortably into the black.

Stanley's hope for some business out of a novelty "battle of swing" between Gray Gordon and Mike Riley band has gone sour. Rivin, Warner, and Senator, all with duos, are exploring the bottomlands. Fulton's "Monastery" is not too bad.

Estimates for This Week
Alvin (Harris) (1,850; 25-35-50)—"Up River" (20th) and "Always Trouble" (20th). Mild \$4,000. Last week, "Gangster's Boy" (Mono), \$5,500, fair.

Fulton (Shea-Hyde) (1,750; 25-40)—"Monastery" (Indie). Special drive on religious organizations helping it hold head above water with \$3,300.

Penn (Loew's-MA) (3,300; 25-35-50)—"Great Waltz" (M-G). Respond-

"Drums" (UA). Into velvet at \$4,000. Last week "I Am Law" (Col) (2d wk), \$2,000.

Tower (Stan) (1,000; 25-35)—"Christmas Carol" (M-G). Okay \$3,000. Last week "Dr. Kildare" (M-G), so-so \$2,500.

'HEART' DUAL NICE 10G, PROV.

Providence, Dec. 20. Best biz being turned in at the State where "There Goes My Heart" and "Smashing the Spy Ring" are clocked at \$10,000.

Loew's inaugurating late show policy from day before Xmas to Jan. 2.

Estimates for This Week
Albee (RKO) (2,200; 25-35-50)—"Comet Over Broadway" and "Last Express" (U). Paced for weak \$4,500. Last week, "Gangster's Boy" (Mono) and "Next Time Marry" (RKO), \$5,000.

Carlton (Fay-Loew) (1,200; 25-35-50)—"Sisters" and "Broadway Musketiers" (2d run). Should ring up fair \$5,000. Last week, "Submarine Patrol" (20th) and "Road Demon" (20th) (2d run), \$3,500, okay.

Fay's (Indie) (2,000; 25-35-40)—"Exciting Night" (U) and vaude. Aiming toward fairish \$6,000. Last week, "Slave Ship" (20th) and vaude, held for nice \$7,500.

State (Loew) (3,200; 25-35-50)—"Goes My Heart" (UA) and "Smashing Spy Ring" (Col). Heading for nice \$10,000. Last week, "Dramatic School" (M-G) and "Spring Madness" (M-G) closed with swell \$11,500.

Madison (Indie) (2,200; 25-35-50)—"Garden Moon." Disappointing \$5,000. Last week, "Sisters" and "Broadway Musketiers" carried to \$8,000.

Musketiers (Indie) (2,200; 25-35-50)—"Little Adventurers" (Col) and "Crime Takes Holiday" (Col). Opened yesterday. (20). "Stand Accused" (Rep) and "Higgins Family" (Rep) closed Monday (19) after first day run which netted poor \$5,000.

Last week, "King Alcatraz" (Par) and "Campus Confessions" (Par), nice \$6,000.

'CAROL'-PECK'S BOY FAIR \$5,000, BUFF.

Buffalo, Dec. 20. This week's figures leave little to choose among, although the noticeable feature of the week is that the usual low bracket houses show only slight improvement.

Estimates for This Week
Buffalo (Shea) (3,500; 30-35-55)—"Dramatic School" (M-G). Rock bottom around \$8,500. Last week "Angels," \$14,000.

Century (Shea) (3,000; 25-35)—"Heart of North" and "Torchy Man" (Par). Around \$6,000. Last week "Up River" (20th) and "Sharpshooters" (20th), \$5,500.

Great Lakes (Shea) (3,000; 30-50)—"Crooked Mile" (Par) and "Flirting with Fate" (Col). Fair \$5,000.

Last week "Goes My Heart" (UA), \$6,500.

Hipp (Shea) (2,100; 25-40)—"Christmas Carol" (M-G) and "Gangster's Boy" (Mono). Fair \$5,000.

Last week, "Spring Madness" (M-G) and "Down on Farm" (20th), \$4,600.

Lafayette (Ind.) (3,300; 25-35)—"Lady Objects" (Col) and "Reformation" (Col). Down around \$5,000.

Last week, "Gangster's Boy" (Mono) and "Road to Reno" (U), okay \$7,500.

'School'-Carol' Fair \$12,000 in Frisco; H.O.s Okay, Rest Limping

Key City Grosses

Estimated Total Gross
This Week.....\$1,140,800
(Based on 25 cities, 163 theatres, chiefly first runs, including N. Y.)
Total Gross Same Week
Last Year.....\$1,124,400
(Based on 22 cities, 154 theatres)

BOB CROSBY UPS 'RIVER' TO BIG 13 1/2 G, INDPLS.

Indianapolis, Dec. 20. With the town's two largest first-run houses—Indiana and the Circle—"closed for repairs" during the week before Christmas, the vaudillim Lyric is reaping the benefit with a strong combination of Bob Crosby's orchestra on the stage and "Up the River" as the film. Gross will be one of the best at the house in recent weeks with the credit being assigned to Crosby's power.

Loew's with "Drums" and "Smashing the Spy Ring" on a dual and the Apollo with "Say It in French" and "Ride a Crooked Mile" are faring moderately well.

Estimates for This Week
Apollo (Katz-Dolle) (1,100; 25-30-40)—"Say French" (Par) and "Crooked Mile" (Par). Can't see over \$3,200, just fair. Last week "Peck's Bad Boy" (RKO) and "His Exciting Night" (U), \$1,900.

Loew's (Loew's) (2,400; 25-30-40)—"Drums" (UA) and "Smashing Spy Ring" (Col). Former pic given plenty of extra in campaign, but results are nothing extra \$5,000.

Last week "Young Heart" (UA) and "Listen Darling" (M-G) was good at \$8,500.

Lyric (Olson) (1,900; 25-30-40)—"Up River" (20th) and Bob Crosby orchestra on stage. Latter given extra exploitation and all the credit for the dandy biz in spite of the traditional week-before-Xmas slump. Everything's rosy at \$13,500, excellent. Last week "Road Demon" (20th) and Hal Kemp's band on stage did \$12,200, very good.

'MEMORY' 16 1/2 G, B'KLYN

Temple Dual \$15,000, 'Madness' 13G, 'Bengal'-Blackstone 12G

Brooklyn, Dec. 20. Biz is not altogether dismal, despite Xmas, with several houses keeping heads above water. Fabian Paramount is showing "Thanks for Memory" and "Comet Over Broadway," and will come out in the black, as will Strand with Blackstone on stage and Storm Over Bengal off screen.

Albee with "Just Around the Corner," the Shirley Temple starrer, and "While New York Sleeps" is doing okay.

Another indication that downtown vaude policies are affecting the nabes is evidenced in reopening of Rivers theatre in Bedford area with films and regular array of vaude starting Christmas day. More new headchairs for motion picture house operators since number of downtown theatres and grog houses began flashing 16 mm stuff on screens over the bars. Even kids are beginning to sneak in for gander at the pics.

Estimates for This Week
Albee (3,274; 25-35-50)—"Around Corner" (20th) and vaude New York Sleeps" (20th) plus Disney's "Ferdinand the Bull." Okay \$15,000. Last week "Submarine Patrol" (20th) and "Service de Luxe" (U), fine \$18,000.

Fox (4,668; 25-50)—"Exposed" (U) and "Flight to Fame" (Col). Paced at satisfactory \$14,000. Last week "Crime Takes Holiday" (Col) and "Say, Stage Show," plus stage show, same figure.

Met (3,618; 25-50)—"Spring Madness" (M-G) and "Flirting with Fate" (M-G). At \$13,000, quiet. Last week "Gangster's Boy" (Mono) and "Listen Darling" (M-G), \$15,500, first rate.

Paramount (4,128; 25-35-50)—"Thanks for Memory" (Par) and "Comet Over Broadway." Nice \$16,500. Last week "Brother Rat" and "Little Adventurers" (Col) (2d wk), \$15,000.

Strand (2,870; 25-50)—"Storm Over Bengal" (20th) and vaude New York Blackstone, magician. Okay \$12,000. Last week "Mr. Wong" (Mono) and vaude, nifty \$11,000.

San Francisco, Dec. 20.

Local show shops going through a period of tapering off with the approach of the holidays. Warfield has been particularly hard hit, biz at this ace Fox-West Coast house having touched new lows during the past two weeks.

Most activity in town is at the Orpheum, which is still dragging them in with "You Can't Take It With You," now in its fifth week; and at the Fox, which still has "Out West with the Hardys."

Estimates for This Week
Fox (F-WC) (5,000; 35-55-75)—"Out West with the Hardys" (M-G) and "Dr. Kildare" (M-G) (2d wk). Holding up well considering lame biz elsewhere. Okay \$11,500 spotted. Last week held nicely to \$20,000.

Golden Gate (RKO) (2,850; 35-55)—"Annabel" (RKO) and vaude. Although stage show this week is unusually good "Paradise Islands Revue" with 60 native dancers being featured, biz failed to catch on and won't do better than \$13,000.

Last week "Exposed" (U) and Jane Withers on stage disappointing at \$15,500. Withers in on guarantee and percentage.

Orpheum (F&M) (2,440; 35-55)—"Can't Take It" (Col) (5th wk). This one has about two more weeks left in it. Fifth week good at \$7,000. Last week healthy \$10,000.

Paramount (F-WC) (2,740; 35-55-75)—"Dramatic School" (M-G) and "Christmas Carol" (M-G). Hardly strong enough to drag them in. Some machine trade from the youngsters can be credited to Dickens' story. May get by with fair \$12,000. Last week (2d) for "Citadel" (M-G) and "Spring Madness" (M-G), none too forte \$8,500.

St. Francis (F-WC) (1,470; 35-55-75)—"Angels" and "Listen, Darling" (M-G) (4th wk). Paced for \$4,500. Last week (3d) garnered fair enough \$5,500.

United Artists (Cohen) (1,200; 35-55-65)—"Cowboy and Lady" (UA) (5th wk). Managed to ride through five weeks to pretty good returns. Final week is on the listless side \$4,000, but can't complain. Previous stint brought in okay \$5,000.

Warfield (F-WC) (2,880; 25-55-75)—"Heart of North" (Col) and "Fate" (M-G). Although Warfield has plenty of color on the screen in the Technicolor outdoor number, "Heart of North," biz is pretty pallid.

Color picture is getting better, but this duo is heading for so-so \$10,000. Last week "Hard to Get" and "Comet Over Broadway" brutal \$7,000.

'Citadel' Light \$2,500, Lincoln; 'Can't Take It' Third Session \$1,800

Lincoln, Dec. 20.

Films don't seem to be the type for b.o. excitement. "Citadel" and "Sisters" heading for light money, while "Can't Take It with You" holds on for third week at the Varsity, because every effort is being made by this house to conserve its pie strength and no good would come of trying to buck the season. "Can't Take It" doing okay, however.

Film biz attention is focused on the closed houses, especially the Orpheum, which is getting a trim trimming from the plaster out. Liberty opened Saturday (17) under the Nebraska Theatres, Inc., banner (used to be an LTC house) to run off some second run commitments. Will shutter at the first of the year for its remodeling and re-equipping.

Estimates for This Week
Colonia (NTI-Monroe) (750; 10-15)—"Where Buffalo Roam" (Mono) and "Adventures in Sahara" (Col). Split with "Gang Bulets" (Mono) and "Law of Texas" (Col). Getting \$2,500.

Liberty (NTI-NTI) (1,000; 10-15)—"Roamin' Cowboy" (Indie) and "Flight to Fame" (Col) split with "Crime Takes Holiday" (Col) and "Under Big Top" (Mono). All right.

Liberty (NTI-NTI) (1,000; 10-15)—"Western Jambores" (Rep) and "Ladies in Distress" (Rep). Opening the house and in for five days. Paced for okay \$700. Last week house was dark.

Lincoln (LTC-Cooper) (1,600; 10-25-35)—"Sisters" and "Up River" (20th). Moderate \$2,300 in sight. Last week "Up River" (20th) and "Road to Reno" (U) \$2,800, satisfactory.

Stuart (LTC-Cooper) (1,900; 10-25-35)—"Citadel" (M-G). Aiming to ward light \$2,500. Last week "West with Hardys" (M-G), \$5,100, okay for 10 days.

Varsity (NTI-NTI) (1,100; 10-25-35)—"Can't Take It" (Col) (3d wk). Will hit \$2,500. Last week \$5,300 first week, and \$3,000 on second.

Loop Vampin' Till Santa Comes And Goes; 'Shining Hour' Alone OK at \$14,000; B&K Reopening S-L

Chicago, Dec. 20. It's a dull week, and little can be done about it. This pre-Xmas session has little to hearten it as none of the theatres is even bothering with any real attractions. Single exceptions are at the United Artists which goes away with 'Shining Hour' on Saturday (17).

Chicago holds on with 'Young in Heart', though the show was a disappointment on the previous last week. Flicker is in for a fortnight's commitment.

Balaban & Katz reopens the State-Lake under its own banner (24 Saturday, 24), with vaudeville at pop scale. This means a foursome of full-week vaude stands in the loop. House has been entirely revamped at cost of better than \$80,000.

Oriental and Palace vaudeville is under the pre-Xmas influence currently and little will occur to brighten the take at either place.

Estimates for This Week
Apollo (B&K) (1,200; 35-55-65-75) —'Angels'. Took \$6,800 last week, and so-so \$3,000 in this pre-Xmas gap.

Chicago (B&K) (4,000; 35-55-75) —'Young in Heart' (UA) and stage show. (2d week). Sticking despite slumper of last week when it took mild \$25,000. Currently, to a deep carmine \$18,000, one of the worst takes in a long while for this big house.

Chicago (B&K) (900; 35-55-65) —'Kidnare' (M-G). Maybe \$3,000, okay here for the week. Last week 'Come' not now at \$4,200.

Oriental (Jones) 3,200; 25-30-40 —'Five of Kind' (2d week) and vaude. In the dumps with the rest of the theatres and slides to \$11,000, meagre stuff. Last week 'Breaking Ice' (RKO) managed \$10,000.

Palace (RKO) (2,500; 35-55-65-75) —'Annabel' (RKO) and vaude. House has hit the skids in past few weeks and continues the decline currently with hardly a sign of improvement. Last week 'Storm' (U) a bit better but still sad at \$14,500.

Roosevelt (B&K) (1,500; 35-55-65-75) —'Blameless' (M-G). Sticking it out currently at \$6,000. Last week okay \$5,500.

United Artists (B&K) (1,700; 35-55-75) —'Shining Hour' (M-G). Opened on Saturday (17) and is expected to try to buck pre-holiday slump and will manage to do okay, considering the calendar, with \$14,000. Last week 'Cowboy' and 'Lady' (U) wound up a fair fortnight with \$7,800, so-so.

'School-Spy' \$8,300, 'Farm'-Herbie Kay 8G, Pacing K. C. Lineup

Kansas City, Dec. 20. 'Dramatic School' of the town has a slight edge as a magnet among the straight film houses, but returns are mediocre. Herbie Kay band at the Tower is teamed with 'Down on the Farm'. Leonard and Wilis National these two houses, edge being virtually a toss-up.

Orpheum and Newman juggling opening dates for the coming week plan for extra play for their respective programs. 'Ride a Crooked Mile' thus plays eight days at the Newman. Orpheum drags out the split-week policy with two four-day programs, setting its next week opening back to Saturday (24). First time in year split week seen here.

Newman is planning for a Friday opening (in contrast to its usual Thursday policy), with Ben Blue and stage show set for the holiday week.

Last week best effort was offered by Henry Busse in 'Accidents Will Happen' plus vaude. Fair \$3,500. Last week, '10th Ave. Kid' (Rep) and 'Painted Desert' (RKO) plus vaude. Roscoe Ates, headliner, \$4,700.

Estimates for This Week
Esquire and Uptown (520; 1,200; 10-25-40) —'Thanks for Everything' (20th). Has season against it. Slow at \$4,500, combined total. Last week 'Up River' (20th) singled in both houses totaled at \$400, lazy.

Midland (Loew's) (5,75; 10-25-40) —'Dramatic School' (M-G) and 'Smashing Spy Ring' (Col). At \$8,300 is a slight upping over last week when Dr. Kildare (M-G) and Cipher Bureau (Col) dualled for slowest week in months, \$7,000.

Newman (Paramount) (1,900; 10-25-40) —'Crooked Mile' (Par). Gave a solo house and stretched to eight days to give house Friday opening next week. In line with week's business at \$4,300, slow. Last week 'Say French' (Par) and Wilis National Barn Dance show on the stage made a fair showing at \$7,000 after house returned to 40c top from previous week's 55c.

Orpheum (RKO) (1,500; 10-25-40) —'Broadway Musketeers' and 'Peck's Bad Boy' (RKO). Back to ducks here after weeks of solo films. Par plays four days and gives way Tues-

day (20) for 'Girls on Probation' and 'Mr. Doodle' (RKO), also in for four days. This brings house to Saturday opening for Christmas week. Split duals showing \$5,000 for eight days. Last week 'Angels', \$4,100.

Tower (Fox-Midwest) (2,050; 10-25-40) —'Down on Farm' (20th), with Herbie Kay on stage, heading stage show. Com averaging better draw than some others in here past few weeks at \$8,000, fair enough considering. Last week 'Secrets of Nurse' (U), with Henry Busse band, \$14,000 very good, despite price cut from 55c top.

'Hardys' \$6,500, 'Cowboy' \$4,500 On H.O., Seattle

Seattle, Dec. 20. 'West with Hardys' and 'Christmas Carol' at the Fifth Ave. dominate the town with a swell \$6,500 and possible h. o. Second sess of 'Cowboy and Lady' at the Paramount also forte.

Hamrick-Evergreen houses now cashing in on the 'employees good will' advance ticket sale, which is bringing some added b. o. to the various houses during the dismal two weeks pre-Christmas. Sale considered successful. Coliseum theatre won sales honors and ace prizes.

Estimates for This Week
Blue Moon (Hamrick-Evergreen) (850; 32-37-42) —'Angels' and 'Meet Girls' (20th). Dual moved over from Orpheum and \$2,500 indicated. Last week 'If King' (Par) and 'Ferdinand' (RKO) (3d week), nice enough \$1,900.

Coliseum (Hamrick-Evergreen) (1,200; 21-32) —'Straight, Place' (20th), and 'Five of Kind' (20th). On six-day stretch \$1,900, bad. Last week, 'Marie Antoinette' (M-G) and 'Fugitives' (RKO) (20th), four days, \$1,500, slow.

Colonial (Sterling) (800; 10-21) —'Highway Patrol' (Col) and 'County Chairman' (20th). Dual, split with first installment of 'Dick Tracy Returns' (Rep). Looking for \$1,800, moderate. Last week, 'Passport Husband' (20th) and 'Young Fugitives' (RKO) (20th), with 'Tracy Returns' (Rep) and 'Law of Texans' (Col), dual, fair \$2,000.

Fifth Avenue (Hamrick-Evergreen) (2,345; 32-37-42) —'West with Hardys' (20th) and 'Christmas Carol' (M-G). Big \$6,500 and holdover in sight. Last week, 'Hard to Get' and 'Dr. Kildare' (M-G), mild \$5,000.

Liberty (J-v) (1,800; 21-32-42) —'Girls School' (Col) and 'Flight to Fame' (Col). Headed for slow \$3,800. Last week, 'Blondie' (Col) and 'Lady Objects' (Col), \$5,000, good.

Blue Box (Hamrick-Evergreen) (850; 32-37-42) —'Hard to Get' and 'Dr. Kildare' (M-G). Moved over from Fifth Avenue. Slow \$2,000. Last week, 'Shining Hour' (M-G) and 'Road Demon' (20th) (3d week), \$2,100.

Orpheum (Hamrick-Evergreen) (2,600; 32-37-42) —'Youth Fling' (U) and 'Storm' (U). N.s.h. \$3,900, last week 'Angels' and 'Meet Girls' (20th), \$4,300.

Palomar (Sterling) (1,350; 16-27-37-42) —'The Young Couple' (Col) and 'Accidents Will Happen' plus vaude. Fair \$3,500. Last week, '10th Ave. Kid' (Rep) and 'Painted Desert' (RKO) plus vaude. Roscoe Ates, headliner, \$4,700.

Paramount (Hamrick-Evergreen) (3,039; 32-37-42) —'Cowboy and Lady' (UA) and 'Torchy Man' (2d week). Good \$4,500 indicated for eight days. Last week, 'Big \$8,500.

Roosevelt (Sterling) (800; 21-32) —'Gangster's Boy' (Mono) and 'Higgins Family' (Rep). Fair \$1,800. Last week, 'Mayling' (Ind) (2d week), \$1,700.

'Variety' Remake First On Doran-Durant Sked

Hollywood, Dec. 20. New indie producing outfit, formed by D. A. Doran and Tim Durant, gets going early next month with 'Variety', an early European silent, as the first venture. Picture is budgeted around \$400,000, according to the producers.

Dickering for a major release.

First Runs on Broadway (Subject to Change)

Week of Dec. 22
Astor —'Pygmalion' (M-G) (3d wk).

Capitol —'Sweethearts' (M-G). (Reviewed in Current Issue)
Criterion —'Blondie' (Col) (22).

(Reviewed in Variety, Nov. 2)
Globe —'The Lady Vanishes' (20th) (24).

Mus. Hall —'A Christmas Carol' (M-G). (Reviewed in Variety, Dec. 14)

Paramount —'Artists and Model Abroad' (Par) (21). (Reviewed in Variety, Nov. 2)

Rialto —'Heart of North' (20). (Reviewed in Variety, Dec. 14)

Roxy —'Kentucky' (20th) (23). (Reviewed in Current Issue)

Strand —'Dawn Patrol' (23). (Reviewed in Variety, Dec. 14)

Week of Dec. 23
Astor —'Pygmalion' (M-G) (4th wk).

Capitol —'Sweethearts' (M-G) (2d wk). (Reviewed in Current Issue)

Criterion —'Ride a Crooked Mile' (Par) (28). (Reviewed in Variety, Dec. 7)

Mus. Hall —'A Christmas Carol' (M-G) (2d wk).

Paramount —'Artists and Models Abroad' (Par) (2d wk).

Roxy —'Kentucky' (20th) (2d wk).

Strand —'Dawn Patrol' (2d).

'GIRLS'-BOWES SWINGS DET. TO \$18,000

Detroit, Dec. 20. Townsfolk spending oodles, but little at the boxoffices here. Fox, with 'Girls School' and Major Bowes 'Swing School' unit on stage, doing so-so, but looks like top in town.

Estimates for This Week
Adams (Balaban) (1,700; 30-40) —'Storm' (U), plus 'Little Adventurers' (20th), dual. Caught in shopping jam, too, for \$3,000. Last week better \$4,400 for 'Gangster's Boy' (Mono) plus 'Always Trouble' (20th).

Fox (Indie) (5,000; 30-40-65) —'Girls School' (Col) with Major Bowes 'Swing School' unit on stage. Lotta show, but not so many students, although looks for \$18,000.

Michigan (United Detroit) (4,000; 30-40-65) —'Goes My Heart' (UA) plus 'Storm' Over Bengal' (Rep), dual. Not more than \$10,000, weak, coming up. 'Dramatic School' (M-G) and 'Spring Madness' (M-G) took bad \$9,700.

Palmetto (U) (3,000; 30-40-50) —'Crooked Mile' (Par) plus 'Come on Rangers' (Rep), dual. Looks like okay \$6,000. Last week \$4,400 for 'Angels' (2d week) and 'Western Jamboree' (Rep), dual.

United Artists (UD) (2,000; 30-40-65) —'Snow White' (RKO) (reissue) (2d week). After pulling in surprise \$10,000 last week, now looks back following pop demand, fanfare after is headed for okay \$5,000 currently. Not hefty, but plenty good considering everything.

Cincinnati, Dec. 20. 'Sweethearts' is romping off with b. o. laurels currently. Its sockeroo mark for the Albee puts the bugaboo of last trade war about folks being theatre-shy the week before St. Nick's visit. Pic will head a second week in the burg's biggest house, which is a rarity. Its hefty tug has b. o. in the main close to last week's.

Palace is down under 'Dramatic School' and 'Heart of North' is cold for Keith's.

Shubert, with 'Up the River' and the 'Jubilee Follies' unit, is having another week of bad biz.

Estimates for This Week
Albee (RKO) (3,800; 35-42) —'Sweethearts' (M-G). Last week, 'Will hold for second week. Last week, 'Submarine Patrol' (20th), fair \$9,000.

Capitol (RKO) (2,000; 35-42) —'Young Heart' (U) (2d run). N.s.h. \$3,500. Last week, 'West with Hardys' (M-G) (2d run), big \$6,000.

Family (RKO) (1,000; 15-25) —'Road Demon' (20th). 'Mr. Wong' (Mono), 'Exposed' (U), separate.

'Pygmalion' at \$14,000 Best On Sluggish B'way; 'Duke' \$65,000, Roxy and Par, 2d Wks., 25G-24G

Santa Claus is doing his stuff and Broadway film houses are doing little. In most theatres the new pictures or the holdovers are secondary in boxoffice strength.

Bucking the tide surprising well is 'Pygmalion' at the Astor; 'Adventure in Sahara,' at the Globe, and foreign-made 'Ballarina,' in its sixth week at the Little Carnegie where holding to \$4,500. It hit \$6,500 in its opening week here, a house record, and at \$4,500 now the French-made is showing remarkable stamina. This helps make up to Arthur Mayer for the slender \$5,000 which 'Cipher Bureau' got at his Rialto on the week ending Monday night (19).

With standing room at most performances, 'Pygmalion' went to \$16,100 last week, its first, and currently on the holdover is going to be around \$14,000. As scaled at the Astor, which seats only 1,012, with a 55c top weekdays, 65c Saturdays-Sundays, this is tremendous business.

Mus. Hall will be lucky to hit over \$65,000 with 'Duke of West Point,' feeble, but has company among other stage show houses, including the Roxy, Paramount and State. Second week for 'Thanks For Everything' at the Roxy, will probably be short of \$25,000, just getting by, while the State faces some red at \$15,000 or shade above with 'Great Waks' and a vaude show including Tim and Irene, George Beatty and Barney Rapp.

Par finished its second week last night (Tuesday) with 'Thanks For Memory' and Blue Barron orchestra, plus Shirley Ross, at \$24,000, a little profit. 'Artists and Models Abroad,' with the Glen Gray Casa Loma band, is at \$24,000. Another holdover that isn't strong is 'West With Hardys,' this side of \$15,000. 'Flirting With Fate' a dud at the Criterion, probably not over \$5,500.

'Pyg' is the only holdover into Christmas, new shows being scheduled everywhere. They include, in addition to Par, with \$14,000 today, 'Christmas Carol' at the Mus. Hall and 'Sweethearts' at the Cap tomorrow (Thurs.), followed on Friday (23) by 'Kentucky' at the Roxy and 'Dawn Patrol,' plus Abe Lyman at the Strand.

All lesser houses are also changing except for Rialto which yesterday (Tuesday) opened 'The Revoli on Xmas eve' (24); reopens with 'Beachcomber'.

Estimates for This Week
Astor (1,012; 25-40-55-65) —'Pygmalion' (M-G) (2d week). Terrific business, set for \$14,000, indicated this week (24). The first was \$16,100, which is capacity, plus standing room. Smart profit is being shown despite small seating capacity and low price.

Capitol (4,520; 25-35-55-65-85-125) —'West with Hardys' (M-G) (2d-week). Up against pre-Christmas but disappointing none the less; less than \$15,000 on the holdover, after being unable to reach \$25,000 last week, the first. However, on the two weeks, some profit.

Criterion (1,682; 25-40-55) —'Flirting with Fate' (M-G). A slow-gro-

ing \$5,500 tops. Last week, 'Storm' (U), split, garnered an average \$2,100.

Grand (RKO) (1,200; 25-40) —'West with Hardys' (M-G) (3d run). Good \$3,300. Last week, 'Angels' (3d run), \$2,800, so-so.

Keith's (Libson) (1,500; 35-42) —'Heart of North'. Slow \$3,500. Same last week on 'Cowboy and Lady' (UA) (2d run).

Lyrie (RKO) (1,400; 35-42) —'Submarine Patrol' (20th) (2d run). Not showing any strength at \$3,000. Last week, 'Dark Rapture' (U), \$4,500, pleasing.

Palace (RKO) (2,600; 35-42) —'Dramatic School' (M-G). Awful \$8,000. Last week, 'Young Heart' (UA), nice \$11,000.

Shubert (RKO) (2,150; 35-40-60) —'Up River' (20th) and 'Jubilee Follies' unit with Lew Parker and Oxford Trio. Not getting anywhere on \$9,000. Ditto last week with 'Spring Madness' (M-G) and 'Hollywood' to Broadway revue, with Lola Lane and Jack Durant.

looking \$5,500 tops. Last week, 'Storm Over Bengal' (Rep), \$6,500, fair.

Globe (1,274; 25-40-55) —'Adventure in Sahara' (U). Should hit \$6,500 or bit above, pretty good for this week. In ahead, 'Secrets of Nurse' (U) wound up at \$5,000, mild.

Palace (1,700; 25-35-55) —'Hard to Get' (2d run), and 'Comet Over Broadway' (1st run). Out last night (Tues.) after six days, getting only \$3,000. 'Brother Rat' (2d run) and 'White New Year' (20th) (1st run) opens today (Wed.). Last week's doubleton, 'Sub Patrol' (20th) (2d run) and 'Service De Luxe' (U) (1st run), \$7,000.

Paramount (3,664; 25-35-55-85-99) —'Artists and Models' (Par) and Glen Gray Casa Loma band opens here today (Wed.), after two weeks of 'Thanks for Memory' (Par) and Blue Barron-Shirley Ross combination. Got \$34,000 the first week and \$24,000 the second, fair profit.

Radio City Mus. Hall (5,820; 40-60-84-99-145) —'Duke of West Point' (UA) and stage show. Just pulls house over the week before Christmas at about \$65,000. Last week, 'Dramatic School' (M-G), \$69,000, very sluggish. 'Christmas Carol' (M-G) and holdover, current Xmas stage shows starts tomorrow (Thurs.).

Rialto (750; 25-40-55) —'Heart of North'. Opened here yesterday morning (20th) after six days at the Criterion (GN) ending Monday night (19) only \$5,000, anemic, while ahead of that 'Last Warning' (U) wasn't much better.

Rivoli (2,092; 25-55-75-85) —'Beachcomber' (Par) reopens house Christmas eve at 8 p. m.

Roxy (5,836; 25-40-55-75) —'Thanks for Everything' (20th) and stage show (2d-week). At only \$35,000 last week, was one of a dangerous holdover and lucky it hitting \$25,000. Gets house some velvet, however, over the two weeks of the year.

State (2,767; 25-55-75-85) —'Angels' and Ted Lewis, Eddie Leonard and Shelton Brooks (4th-week). Final stanza, a dud \$20,000. Last week, \$15,000.

State (3,450; 35-55-75) —'Great Waltz' (M-G) (2d run) and vaude. This makes it two weeks in a row at \$25,000. Last week, \$22,000. Being for only \$15,000 or bit over. Last week \$16,000 was all that house scored with 'Men with Wings' (Par) (2d run) and the Cab Calloway band.

'Blondie'-Meade' 5G, 'Carol' \$9,000; 'Waltz' Dual NSH 7G, Omaha

Omaha, Dec. 20. 'Blondie,' dualled at Brandels with 'Dr. Meade' has the best of it with Omaha. World-Herald, which prints the strip. Manager Bill Miskell of Orpheum also tied with newspaper on charity stunt with 'Blondie' (RKO) and 'Dracula' (U-reissue), tripler, \$1,000, mediocre.

Brandels (Singer-RKO) (1,250; 10-25-35-40) —'Blondie' (Col) and 'Dr. Meade' (Col). Slated for nice \$5,000. Last week, 'Secrets of Africa' and 'Comet', \$4,000, middling.

Omaha (Blank) (2,200; 10-25-40) —'Great Waltz' (M-G) and 'Arrest Drummund' (Par). Not so hot at \$3,000. Last week, 'Secrets of Africa' and 'Always Trouble' (20th), \$6,500, good.

Orpheum (Blank) (3,000; 10-25-40) —'Hard to Get' and 'Christmas Carol' (M-G). Extra publicity should help to \$9,000, fairish. Last week, 'Algiers' (U) and 'Dr. Kildare' (M-G), \$7,700, very ordinary.

Town (Goldberg) (1,250; 10-20-25) —'Port Missing Girls' (Mon), 'Overland Stage Raiders' (Rep) and 'Fugitives' (RKO), tripler, split with 'Front Street' (RKO), tripler, Place, Show (20th) and 'Three on Weekend' (GN), tripler, n.p. \$1,300. Last week, 'Mysterious Rider' (n.p.).

Uptown (Blank) (2,000; 10-25-40) —'Always Trouble' (20th), tripler, split with 'Burn' (20th), 'Gateway' (20th) and 'Room Service' (RKO), tripler, \$1,500, good.

'Corner' \$3,000, Mpls.; 'Sub' \$4,000, 'Madness' \$2,400, 'Sonata' 1G 4th Wk.

Minneapolis, Dec. 20. 'Just Around the Corner' (18) in volume, brought \$3,000 a week. 'Submarine Patrol' getting some kid trade for \$4,000. In its fourth week at the World 'Moonlight Sonata' still continues to hold on.

'Save for the roadshow legit Lyceum and Palace pop vaudeville, no stage entertainment is in early prospect, even for New Year's week.

Estimates for This Week
 Aster (Par-Singer) (900; 15-25)—'Road Demon' (20th) and 'Orphan Annie' (Par). Will be lucky to reach a poor \$1,000. Last week, 'Dracula' and 'Frankenstein' (both 4) tremendous \$4,500, nine days, despite big drop last part of engagement.

Century (Par-Singer) (1,600; 25-35-40)—'Angels' (2d week). Moved here from Orpheum where it was okay. Pacing for \$4,500. Last week, 'Say French' (Par), \$2,500, bad.

Gopher (Par-Singer) (988; 25)—'Spring Madness' (M-G). Okay \$2,400. Limited. Lighted, 'Garden of Moon', light \$2,400.

Orpheum (Par-Singer) (2,800; 25-35-40)—'Submarine Patrol' (20th). Kids giving it some matinee play but only about \$4,000 in sight. Last week, 'Angels', \$9,000.

State (Par-Singer) (2,300; 25-35-40)—'Around Corner' (20th). Pretty much neglected outside of matinee drag. Mixed content. Traveling at slow \$3,000 pace. Last week, 'Citadel' (M-G) finished fine to \$6,000, much better than expected.

Time (Bentley) (290; 15-25)—'Auction Girls' (Indie) and '3 Steps' (GB) (reissue). Just a filler-in, limping toward poor \$500.

Uptown (Par) (1,200; 25-35)—'Suez' (20th) and 'Four's Crowd', split. First neighborhood showings. Fair \$2,500 sighted. Last week, 'Men Wings' (Par) (350; 25-35-45-55)—'Moonlight Sonata' (Indie) (4th week). Dropping to \$1,000 this week, but should stage a comeback Christmas. Last week, \$1,200, mild.

THANKS' DUAL \$5,500, L'VILLE

Louisville, Dec. 20. Houses holding their breath until after holidays, so current spell is finding the managers virtually marking time until after Xmas. With tobacco markets retreating plenty of kick to growers' pockets, biz may be on upbeat after New Year's.

Two big-seaters, the Rialto with 'Thanks for Everything' on a dual, and the Loew's State with 'Drums' on double bill, are gathering fairish returns, but the balance of the houses are in the doldrums.

Estimates for This Week
 Brown (Loew's-Fourth Avenue) (1,000; 15-30-40)—'Young Heart' (UA) and 'Flirting Fate' (M-G). After medium week at Loew's State this combo is finding pickings pretty tight. Slowest houses in past four months is holding the pair down to \$1,500. Last week, 'West with Harveys' (M-G) and 'Adventure in Sahara' (Col), fair \$1,900 on third downtown week.

Kentucky (Switow) (900; 15-25)—'Sisters' and 'Garden Moon'. Slighting fair enough \$1,600. Last week, 'Certain Age' (L) and 'Valley Giants', satisfactory \$1,700.

Loew's State (Loew's) (3,100; 15-30-40)—'Drums' (UA) and 'Smashing Spy Ring' (Col). Considerable newspaper publicity and street stunt exploitation—battling the seasonal dullness. Ambling toward fair \$5,500. Last week, 'Kidnapped' (M-G) and 'Little Adventures' (Col), mild \$5,000.

Mary Anderson (Libson) (1,000; 15-30-40)—'Heart of North'. Backing punch at \$2,900. Last week, 'Angels' on third stanza, chalked up fair \$2,300.

Ohio (Settos) (900; 15)—'Limberlost' (Mono) and 'Beloved Brat' (Col), dual, split with 'Beloved Brat' (Col) and 'Death Kiss' (Indie). Week \$1,200. Last week, 'Lost Horizon' (Col) and 'Women Are Like That' (split with 'Beloved Brat' and 'Couldn't Say No'; \$1,600, all right.

Rialto (Fourth Avenue) (3,000; 15-30-40)—'Thanks for Everything' (20th) and 'Secrets of Nurse' (U). Getting nice play in spite of feverish shopping situation in downtown district, and appears to have the town on other house's heels. Galt sizes up as steady, \$5,500. Last week, 'Say French' (Par) and 'Crooked Mile' (Par) on the light-weight side at \$4,700.

Standard (Fourth Avenue) (1,400;

15-30-40)—'Little Tough Guys' (U) and 'Storm Over Bengal' (Rep). House is at disadvantage in being few steps off the main stem, which means patrons are pretty spry with \$2,600. Last week, 'Peck's Bad Boy' (RKO) and 'Exciting Night' (U) sluggish \$2,300.

WALTZ - 'CAROL' \$34,000, HUB, 2 SPOTS

Boston, Dec. 20. 'Great Waltz', dualled with 'Christmas Carol' at the Loew stands as the only offering in town showing real strength during the Xmas letdown.

Keith Boston brings back vaude Sunday (25). First week it split (25 to 29), then a new vaude show Dec. 30 to Jan. 2. Regular policy after that will be: Fridays, Saturdays and Sundays only, with dual second run-pix on the same bill at 20-30-40. Monday to Thursday, straight films at 15-20-25-40 will be the rule.

Normandie, previously a cafe, and originally the old B. F. Keith vaude house, reopened Friday (18) as double bill.

Estimates for This Week
 Fenway (M&P) (1,332; 25-35-40-55)—'Angels' and 'Down on Farm' (20th) (2d run). Medium \$6,500. Last week 'Heart of North' and 'Sharpshooters' (20th) pallid \$5,000.

Keith Memorial (RKO) (2,907; 25-35-40-55)—'Secrets of Nurse' (U) and 'Swing Sisters' (U). Very sluggish, \$9,000. Last week 'Drums' (UA) (3d wk) and 'Next Time Marry' (RKO) (1st wk), \$11,000, fair.

Metropolitan (M&P) (4,367; 25-35-40-55)—'Say French' (Par) and 'Crooked Mile' (Par). Swerving to puny \$9,500. Last week 'Submarine Patrol' (20th) and 'Thanks for Memory' (Par), okay \$14,900.

Orpheum (Loew) (2,900; 25-35-40-55)—'Great Waltz' (M-G) and 'Christmas Carol' (M-G). Very good. \$10,000. Last week 'Young Heart' (UA) and 'Spring Madness' (M-G) dandy \$16,000.

Paramount (M&P) (1,797; 25-35-40-55)—'Angels' and 'Down on Farm' (20th). Okay \$8,500 in sight. Last week 'Heart of North' and 'Sharpshooters' (20th) n.s.h. \$7,200.

Scollay (M&P) (2,535; 25-35-40-55)—'Heart of North' and 'Around Corner' (20th). (2d run). Meek \$5,000. Last week 'Sisters' and 'Gangster Boy' (mono) (2d run) satisfactory \$6,000.

State (Loew) (3,600; 25-35-40-55)—'Great Waltz' (M-G) and 'Christmas Carol' (M-G). Aliming high to \$10,000. Last week 'Young Heart' (UA) and 'Spring Madness' (M-G) okay \$12,000.

Philadelphia, Dec. 20. Mighty powerful is 'Trade Winds', which world-premiered at Aldine, clicking \$14,500 and assured of at least one more week. Nice bally campaign, in addition to presence of Fredric March and Tay Garnett in town for a press party, great plenty. Likewise good is 'Cowboy and Lady', at the Kariton, on second run. Amazingly enough, it is doing better than \$4,000, while it did only slightly better than \$4,000 last week in its third lap at the Aldine. 'Little Tough Guy' at the Stanton, too, is holding its own nicely at \$4,800.

Yes, the phenom dualing of 'Frankenstein' and 'Dracula' at the tiny 350-seater Studio Theatre, continues its merry way. Skidded for ousting tomorrow (Wednesday) it will instead start its fifth week on Thursday and perhaps even h. o. for a sixth.

Estimates for This Week
 Aldine (WB) (1,303; 42-57-68-75)—'Trade Winds' (UA). Under the draught of nice publicity, strong bally and pleasant handling by the erix, preem is blowing to a very good \$14,500. Certain of at least one more week.

Carlyle (WB) (2,350; 37-57-68-75)—'Cowboy and Lady' (M-G) (3d week) not too bad with slightly over \$6,500.

Boyd (WB) (2,350; 37-57-68-75)—'Come Along With Me' (2d week) of those pre-Xmas things that fills the

'SUB PATROL' FAIR \$7,000 IN DENVER

Denver, Dec. 20. Rialto with 'Cowboy and the Lady', after two weeks in two other spots, 'Strange' (Par) is the only house able to stick its head above an average level.

'Submarine Patrol' and stage show are doing fair at the Denver.

Estimates for This Week
 Aladdin (Fox) (1,400; 25-40)—'Angels', after a week at the Denver. Set for \$3,500. Last week, 'Cowboy and Lady' (UA) good at \$4,000, after a week at the Denver.

Broadway (Fox) (1,100; 25-40)—'Shining Hour' (M-G) and 'Annabel' (RKO), both after a week at the Orpheum. Hitting a snag at \$1,500.

Denham (Cockrill) (1,750; 25-35-40)—'Say French' (Par). None coming to advantage with \$4,200. Last week, 'Crooked Mile' (Par) and stage show, \$4,900, poor.

Denver (Fox) (2,200; 25-35-50)—'Submarine Patrol' (20th), and stage show. Fair enough \$7,000. Last week, 'Angels', \$13,000.

Orpheum (RKO) (2,800; 25-35-40)—'Dracula' (2d run), 'M-G' and 'Law West' of Tombstone' (RKO). Poor \$6,000. Last week, 'Shining Hour' (M-G) and 'Annabel' (RKO), \$8,000, good.

Paradise (Fox) (2,200; 25-40)—'Heart of North' and 'Comet Over Broadway'. Set for \$3,500. Last week, 'Goes My Heart' (UA) and 'Always' (WB) (20th), \$4,000.

Rialto (Fox) (878; 25-40)—'Cowboy and the Lady' (UA) after a week at each the Denver and Aladdin. Last week, 'Angels' and 'Angels' ring up better than average coin. Faced at \$2,000. Last week, 'Frankenstein' (U) and 'Dracula' (U), also \$2,000.

'Blondie'-Home Talent Good \$13,000, Balto

Baltimore, Dec. 20. Strategic spotting of home talent 'Baltimore Follies' by Hipp in tie-up with 'Local News'—Post helping 'Blondie' into nice lead for week's biz. Rest of downtowners ambling along uneventfully with some mild interest in 'Drums' at Loew's Century.

Estimates for This Week
 Century (Loew) (2,000; 15-25-35-40-55)—'Drums' (UA), plus stage show. Mild \$8,000. Last week, 'Dr. Kildare' (M-G), \$8,900.

Hipp (Rappaport) (2,205; 15-25-35-40-55-68)—'Blondie' (Col). Nicely hooked to local 'Baltimore Follies' staged in tie-up with News-Post and beating depress with town.

Next Time I Marry' (RKO) and Count Basie band, new low for recent months with \$9,200.

Shanley (Shanley) (2,460; 15-25-35-40-55)—'Storm' (U). Opens tonight (18) after so-so week of 'Crooked Mile' (Par) to \$3,700.

New Mechanic' (1,558; 15-25-35-40-55)—'Thank You, Everying' (20th). Unexciting \$3,000. Last week, re-universal of 'Slave Ship' (20th) on nine-day fill-in, \$3,300.

West (WB) (3,250; 15-25-35-40-55)—'Sisters' (2d week). Getting \$5,000 after \$11,600 on the opener.

What it is believed will be an official announcement that Sid Samuelson, former prez of Allied of New Jersey, has accepted the exec secretaryship of the new Philly Allied unit, has been postponed until Jan. 3.

Dave Yaffe, secretary, said a statement will be issued at that time clarifying what has been going on at numerous conferences of the board of managers with Samuelson.

Meantime, Lewen Pizor, prez of United Motion Picture Theatre Owners, original and rival outfit, is understood contemplating calling a meeting. This will be in the nature of a test of strength, as a great many former UMPTO members have sworn their allegiance to the new Allied group. Although the number of exhibs in Allied will probably be greater than those in UMPTO, latter, with several important members, may easily represent more houses.

\$1,000,000 Suit Quashed

Dismissal of the \$1,000,000 infringement suit of Clara Lipman and the estate of Sam Shipman against RKO-Radio Pictures, Inc., has been affirmed by the Federal Circuit Court of Appeals, N. Y.

Suit was the result of the Lily Pons picture 'I Dream Too Much', which the plaintiffs claimed was taken from their play, 'Defend the Woman'.

Inside Stuff—Pictures

The New York Financial Writers' Assn. presented its first 'Financial Follies' last Friday (18) at the Hotel Astor, before a capacity audience of more than 800, including financial leaders of New York. List of guests read like a 'Who's Who' in Wall Street, including Thomas M. Lamont, J. Carlisle MacDonald, W. O. Douglas, SEC head; William Martin, head of N. Y. Stock Exchange; Marriner S. Eccles, head of Federal Reserve; Floyd B. Odium, H. Oliphant, of U. S. Treasury Dept.; M. H. Aylesworth and H. B. Swope. Skits and musical numbers were devoted to lampooning events and figures in the financial world during 1938. One of funniest blackouts was the one in which Floyd B. Odium was portrayed as accepting merchandise from various companies in lieu of cash dividends, with familiar broker house gag used as tagline.

George Price, ex-comedian, now holding a seat on the stock exchange himself, produced the entire show. It grossed about \$7,500.

Use of small, brilliant electric lights attached to the top of cameras promises to revolutionize indoor news coverage and informal shooting of celebrities by the newsreels. First introduced a few weeks ago by News of the Day, when it handled the opening of the Met opera season in New York, other four newsreels quickly adopted the method.

Miniature lighting arrangement is illuminated by means of a portable battery. Its use does away with newseers having to depend on house juice, clumsy and bulky cables and delay caused by having to depend on electrical current. Where such current was not available, indoor night shots not properly illuminated were impossible excepting by employing flares, not always satisfactory.

Susan Myrick, columnist on Macon, Ga., Telegraph, has signed with Selznick-International to assist in filming of 'Gone With the Wind'. Scribner is personal friend of Margaret Mitchell and her contract calls for her to be 'arbitrator in manners and customs of the times, as well as tutoring members of the cast, white and black, in accents and characteristics.'

Miss Myrick is second-Georgian signed to assist George Cukor, who will direct 'Wind'. Wilbur Kurtz, Atlanta artist and expert in historical lore, has already been to Hollywood to assist in physical background preliminaries.

Farmer near the RKO ranch had worked a petty racket for weeks. Procedure was to start his rattling old tractor going whenever a film troupe started shooting, and then accepting a gratuity for stopping the noise. Plot was finally foiled when RKO's '12 Crowded Hours' company worked until 2 a.m., with the plowman tilling his soil all night and waiting for someone to cross his path with silver. He did know the company was shooting silent scenes. It cost him a night's sleep and plenty of gas.

Wardrobe department on a major lot was ordered to clean no more clothes for contract players, even though the duds were being used in a picture. Expensive coat, owned by a star, came back from the studio cleaners several sizes too small, so the company had to pay off. Former practice was to clean clothes at night to avoid delays in the next day's shooting. Production has been slowed up since the edict went into effect.

A worried search by El Brendel, Jr., for his father, the Swede dialect comic, was terminated by word from the Coast that the elder Brendel had turned up there safely. Young Brendel, manager of a Philadelphia hall, had been seeking his father for more than two weeks, ever since he left Philly to fill a Chicago vaude act. He failed to turn up in Chicago and was unheard from until he suddenly popped into Los Angeles.

From a G-man to a B-man' is the wheeze attendant to former Federal Bureau of Investigation Leon G. Turrou's sale of his 'Confessions of a Nazi Spy' story he sold for films. Reported paid \$25,000. Turrou's book, 'Nazi Spies in America', in collaboration with Dave Wittels of the New York Eve. Post, who has been writing Nazi expose stuff, is being brought out by Random House.

Foreign sign language caused a scene to be tossed out of Walt Disney's Donald Duck picture, 'Hockey Champ.' In the offending scene, two of Donald's nephews placed their finger's alongside their foreheads as if they were horns. In Latin-American countries this simple gesture means something naughty.

'Lone Ranger' serial, may change the attitude towards westerns in many foreign sectors. Venezuela and Great Britain indicate that the Republic serial is doing at least 50% better than any previous western playing in those regions.

PHILLY SCHISM

New Body Threatens to Disrupt Exhib Strength

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'HEART' 10G, 'SPRING,' VAUDE DITTO, CLEVE.

Cleveland, Dec. 20. Both RKO Palace and Loew's State barely reaching the \$10,000 mark. Former is sweating with 'Spring Madness' and Count Berni-Vici's unit. Latter house just getting by with 'Thanks for Memory'.

Estimates for This Week
 Alhambra (Prints) (1,200; 10-20-35)—'Storm Over Bengal' (Rep). Going mildly to \$900 for four days. Last week, 'Girls School' (Col) and 'West-end Jambores' (Rep), better at \$1,300.

Allen (RKO) (3,000; 30-35-42-55)—'Angels'. Fourth h. a. o. and only being kept in as a gamble. Perhaps a split-week if biz drops. Can't see better than \$2,000. Last week, \$3,500.

Hipp (Warner) (3,700; 30-35-42-55)—'Heart of North'. Very sour at \$8,400. Last week, 'Thanks for Everything' (20th), \$9,000, in the cellar.

Laurel (RKO) (3,200; 30-35-42-55)—'Spring Madness' (M-G) and Count Berni-Vici's vaude unit. Can't get out of second gear at \$10,000. Last week, 'Linden, Darling' (M-G) and Bob Crosby's band cut itself a juicier slice, \$12,000.

State (Loew's) (3,450; 30-35-42-55)—'Goes My Heart' (UA). Good cast and plugging raising this one to \$10,000. Last week, 'Cowboy and Lady' (UA), \$12,500, satisfactory.

Stillman (Loew's) (1,972; 30-35-42-55)—'Christmas Carol' (M-G). At \$3,000, barely paying the help. 'Thanks for Memory' (Par), last week covered the rent, \$2,500.

'LONE RANGER' IN PERSON
 Bob Livingstone, the 'Lone Ranger' of Republic western serial, is being submitted for personals by the Charles Allen office.

London, Dec. 20. Understood that Metro's 'Citadel' will finally open at the Empire, Dec. 22. It was originally scheduled for a month earlier, but delayed due to a lawsuit by a Welsh doctor's wife against author, Dr. A. J. Cronin. She claimed that the landlady character in the novel defamed her. The action was settled out of court.



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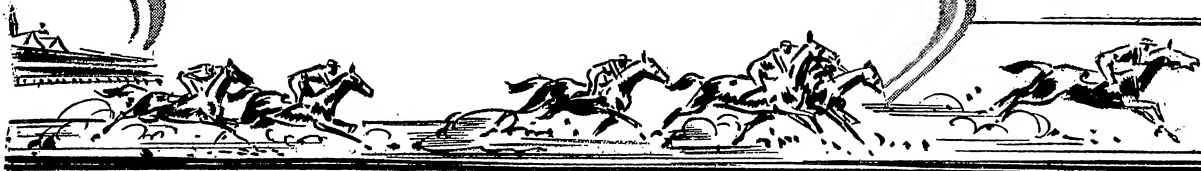
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Associate Producer Gene Markey • Screen play by Lamar Trotti
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by John Taintor Foote

DARRYL F. ZANUCK in Charge of Production



**THE KEYSTONE
OF YOUR FUTURE**



CALL GRID PIX 'UNFAIR' TO B.O.

Minneapolis, Dec. 20. Claiming that pictures of the University of Minnesota football games constitute unfair competition, Twin City independent exhibitors, members of Northwest Allied, are trying to halt their showing before clubs, civic groups, churches, schools, etc., for admission or otherwise.

The athletic department delegates Phil Brain, tennis coach and sports photographer, to shoot the pictures primarily for the benefit of the football coaching staff which studies them after every game. The use of the films, however, has been greatly expanded, particularly during the past few years.

Baseball Film

Philadelphia, Dec. 20. National League's first attempt at a baseball promotional film was released by the league's eight clubs throughout the country last week. Pic is tagged, 'Baseball—The Story of a National Institution.' Running 41 minutes, it pictures birth and development of the game and gives some technical angles on how to play. Produced by Burton Holmes.

American League has been distributing similar films for the past four years, but theirs have been strictly technical, showing right and wrong way to pitch, catch, etc. Pictures, projector and operator are provided free to social, civic, fraternal and church groups.

Chaplin Talks

Hollywood, Dec. 20. Charles Chaplin's first talker, 'The Dictator,' gets under way next month. He conceived the idea, wrote the screenplay, produces and plays the title role.

Alfred Reeves, manager of the Chaplin studio, is installing sound equipment and rounding up personnel.

Theatres—Exchanges

Lincoln. Last week the Orpheum (1,350) and the Liberty (1,400) shut. Both to be remodeled. When they closed, both were in Lincoln Theatres Corp., but Liberty now has switched to the Nebraska Theatres, Inc., LTC-J. H. Cooper opposition. Latter houses skedded to reopen next month.

New York. Shifts and promotions in New York: George Ahrens, 83rd St., promoted to asst. manager at Dyckman; Frank L. Cronon, assistant at Warwick, moves to Astor; Herbert Schoenhof, chief usher at Lexington, asst. at Warwick; Daniel Harris, asst. at Metropolitan, moves to Prospect; John Cusack, assistant at Prospect, to the Metropolitan.

Denver. In a three-way shift of managers in the Fox Intermountain division, Harold Rice was brought to Denver from Laramie, Wyo., to manage the Paramount, succeeding Jack Copeland, who moves to the Aladdin here. Sterling Way goes from Aladdin to Laramie as city manager.

E. P. (Buzz) Briggs, back at State as manager after vacation of eight months, succeeding M. J. Baranco, who left for his home in the east. The house was transferred back to Pathe from Grand National as part settlement of the Pathe claims against G.N.

Omaha. Guy Cocklin has closed Strand, Walnut, Ia.

C. A. Lane, former Iowa portable circuit operator, has taken over the Iowa, Manilla, Ia., from A. W. Lathrop.

John C. Eding, operator of Community, Aurelia, Ia., will open house at Galva, Ia., soon. Town has been without a theatre for 15 years.

Hersholt Drops Out At 20-Fox for Radio

Hollywood, Dec. 20. Jean Hersholt checks out of 20th-Fox studio after the first of the year by amicable agreement, to devote his time to radio.

Actor is still committed to play his role of Dr. Dafee in a quintuplet picture next year, with future options on one picture annually.

PAR REFUGEE BENEFIT YIELDS OVER \$2,000

The Paramount benefit for German refugees held Friday night (16) in the ballroom of the Edison hotel, N. Y., netted more than \$2,000 for the fund. Choices on prizes were sold in sweepstake ticket form at 25c. each and various awards, all donated, were given to lucky holders as well as on bingo games conducted as part of the affair.

Gate was 50c. and about 700, from Barney Balaban down, attended.

3 Ohio Stickups

Columbus, Dec. 20. Police are searching for the thieves who broke into two West Broad street theatres the same night and obtained loot totaling more than \$400. George Pekras, proprietor of the Rivoli, reported someone entered the theatre by a rear exit which had been unlocked from the inside and pried open the door to the office, taking \$300-\$400 in cash. The money was obtained from a steel filing cabinet which had been forced open.

In much the same manner thieves entered the Westmont, same neighborhood, ransacked the theatre and the ticket booth, broke in some candy machines and fled with about \$25 in cash.

Leestonia, O., Dec. 20.

About \$100 representing the Sunday receipts were stolen from the office of the American theatre here. The money was hidden in a cupboard in the office. Nothing else in the office was disturbed, leading authorities to believe the job was committed by some person who had hidden in the theatre at the conclusion of the show. Doors and windows were found locked from the inside.

\$10,000 THEATRE FIRE

Barnegat, N. J., Dec. 20. Park, town's only film house, was damaged by fire Friday (18) night. Edward Ketcham, the operator, discovered the flames. Despite efforts of Manahawkin firemen, damage was estimated at more than \$10,000.

EXPLOITATION

School System Helps

St. Louis. Xmas presents in the shape of \$50 cash and free ductals are Loew's contributions to natives via an exploitation campaign for UA's 'Cowboy and the Lady' and M-G's 'Christmas Carol,' duals for week's run starting Friday (23). Awards will be made to those who successfully work a crossword puzzle which will be part of a full page co-op ad in the Globe-Democrat, the town's only a.m. rag. Xmas morn.

Manager 'Chick' Evens, Jimmy Harris, press agent, and his aide, Wallie Helm, also obtained co-operation of the Board of Education to plug 'Carol.' Members of the board, the superintendent of instruction and English teachers of the school system were invited to a screening 10 days before the run began. They permitted Loew reps to post endorsements carrying plenty of pix and theatre copy on the bulletin boards of eight high and 90 grade (white) schools in the town. This was one of the rare occasions when the School Board heeded arguments of p.s.'s that children would be benefited by seeing a motion pix.

The exploiters had little difficulty in overcoming the usual prejudice of the public and lending libraries against exploitation gags and every library in town opened space for theatre cards on 'Carol.' The campaign was rounded out with the distribution of heralds through various agencies and imprinting with theatre copy all paper napkins used in the Thompson restaurant chain during the run.

Pay-As-You-Leave

Philadelphia, Dec. 20. Novel stunt is being used here by Harry Fried to exploit 'Man to Remember' at his Suburban, in nearby Ardmore. Because the RKO pic has obtained such excellent word-of-mouth, but has failed at the b. o. wherever it has played, Fried is allowing customers in gratis today (Tuesday), first of a three-day run. If they enjoy the film, they are asked to pay on the way out. In this way, Fried hopes to get enough people in on opening day to build the pic well by w. of m. on the succeeding days. Other exhibs figure the stunt a natural for this pre-Xmas week, for no matter how few people kick in on their way out, they can scarcely

hand over less than the house would gross naturally.

'Trade Winds' Blows In

Philadelphia. Nifty publicity break on 'Trade Winds,' which had its world premiere at the Aldine here last week, was obtained by presence of Fredrick March and Fay Garnett, director. Luncheon was tossed for the pair at the Warwick and all the local sheets gave the March-Garnett interviews hefty space.

Munro Leaf, 'Ferdinand the Bull's' creator, also earned his short considerable space in local sheets by his presence here. Pic opened at the Fox last week, getting almost equal billing with 'Christmas Carol.'

Par's New Press Books

Dropping fancy and costly publication, Paramount is getting out a new style, streamlined pressbook with the new format planned in accordance with suggestions received from leading exhibitors. All expensive cover art and other embellishments have been eliminated.

New style books are along more practical, down-to-earth sales manual lines, with exploitation ideas and mats, advertising layouts and publicity for a complete selling campaign in organized form. The keynote of the book, as indicated by Paramount, is economy and maximum selling help.

U. S. P. O. As a Trailer

Buffalo. Charles Taylor, head of local Shea-Publicity publicity forces, enlisted the U. S. Post Office Department last week in one of the finest exploitation tieups of the year. In return for the Shea houses using a short 'Mail Early' film for the P. O., every postal substitution in Buffalo was padded with signs reading: 'Shop early—Mail early—and go to a Shea Theatre.'

To cap the stunt, local postal trucks are carrying double banners bearing the same slogan.

New Santa Monica House

Los Angeles, Dec. 20. Louis and Eugene Berkoff leased a building on Western avenue near Santa Monica, to be remodeled into a theatre at a cost of \$35,000. Berkoff Bros. operate the Esquire.

THE COMPANY WILL APPRECIATE SUGGESTIONS FROM ITS PATRONS CONCERNING ITS SERVICE

1201-S

CLASS OF SERVICE

This is a full-rate Telegram or Cablegram unless its deferred character is indicated by a suitable symbol above or preceding the address.

R. B. WHITE
PRESIDENT

NEWCOMB CARLTON
CHAIRMAN OF THE BOARD

J. C. WILLEVER
FIRST VICE-PRESIDENT

WESTERN UNION

The filing time shown in the date line on telegrams and day letters is STANDARD TIME at point of origin. Time of receipt is STANDARD TIME at point of destination.

FA1370 49 NL 3 EXTRA=SANFRANCISCO CALIF 29

LITA GREY CHAPLIN=

CARE LOU IRWIN INC 8555 SUNSET BLVD HOLLYWOOD CALIF=

IT HAS BEEN A PLEASURE TO HAVE YOU DURING THE PAST TWO WEEKS AS HEADLINER IN OUR "PARADE OF STARS" STOP THE RANCHO ENJOYED TREMENDOUS SUCCESS DURING YOUR ENGAGEMENT AND WE ARE LOOKING FORWARD TO THE TIME THAT WE MAY HAVE YOU WITH US ONCE AGAIN=

SAM ROSEY AGENCY FOR RANCHO SANPABLO.

LITA GREY
CHAPLIN

WESTERN UNION MESSENGERS ARE AVAILABLE FOR THE DELIVERY OF NOTES AND PACKAGES

"THE GREATEST WEST POINT PICTURE EVER MADE"



General J. L. Benedict, Commandant of the United States Military Academy, congratulates Richard Carlson and W. G. Van Schmus, Managing Director of Radio City Music Hall.

"TAKE MY WORD FOR IT"

Says CHRIS CAGLE

Famous All-American backfield ace, one of the greatest football stars that ever played for Army.

After my years at the 'Point', I have long hoped that such a picture as this would some day be made. I have hoped for a vivid screen portrayal of the laughter and the sorrows, the thrills, the heartaches, the fine traditions of our great Military Academy... to show the youth of our land, and their parents and sweethearts, how boys become men, and become officers, behind those gray battlements on the Hudson.

"My hopes have been realized. Take my word for it that 'The Duke of West Point' is the most authentic, the most thrilling, the most stirring picture of the Corps of Cadets that you are ever likely to see. Don't miss it! It's fast as lighting... grand entertainment!"

Chris R. Cagle

P.S. It's the best hockey I've seen on the screen or off in a long time.

Lester Patrick

LESTER PATRICK
MGR., N. Y. RANGERS

EDWARD SMALL
presents

THE DUKE OF WEST POINT



with
LOUIS MAYNARD • TOM BROWN
RICHARD CARLSON
JOAN FONTAINE • ALAN CURTIS

Directed by ALFRED E. GREEN
Original screen play by GEORGE BRUCE

Released thru
UNITED ARTISTS

BIGGEST PRE-HOLIDAY BUSINESS IN FOUR YEARS AT RADIO CITY MUSIC HALL "...AND BROADWAY'S TOP MONEY PICTURE"

Banish "WASHROOM
INFECTION"
Install **A.P.M.**
Onliwon Towels and Tissue



"SWEETHEARTS"

for NEW YEAR'S



"375
NEW YEAR'S
BOOKINGS!"



"375
NEW HOUSE
RECORDS!"

JEANETTE MacDONALD • NELSON EDDY in Victor Herbert's "SWEETHEARTS" In Technicolor • With Frank Morgan • Ray Bolger • Florence Rice • Mischa Auer • Herman Bing • Reginald Gardiner • Screen Play by Dorothy Parker and Alan Campbell Directed by W. S. Van Dyke II Produced by Hunt Stromberg A Metro-Goldwyn-Mayer Picture

FILM BOOKING CHART

(For information of theatre and film exchange bookers, VARIETY presents a complete chart of feature releases of all the American distributing companies for the current quarterly period. Date of reviews as given in VARIETY and the running time of prints are included.)

(B) REISSUES

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WEEK OF RELEASE	TITLE	PRODUCER	DISTRIB.	TYPE	TALENT	DIRECTOR	TIME MINS.	WHEN REVIEWED BY VARIETY
10/7/38	CRIME TAKES A HOLIDAY WEST OF THE SANTA FE STABLEMATES MR. WONG, DETECTIVE TOUCHDOWN, ARMY MR. DOODLE KICKS OFF THE NIGHT HAWK MEET THE GIRLS THAT CERTAIN AGE	Col Harry Rapp W. T. Lackey Par Bob Sisk Herman Schlom Howard J. Green Joe Pasternak	Col MGM Mono RKO 20th U	Meller Western Com-Dr Mystery Football Com Drama Comedy Mus-Rom	J. Holt-M. Ralston C. Starrett-L. Meredith W. Beery-M. Rooney B. Karloff-E. Brent J. Howard-R. Cummings J. Penner-J. Travis R. Livingston-J. Travis J. Lang-L. Earl-R. Allen D. Durbin-J. Cooper	Lewis D. Collins Sam Nelson Sam Wood Wm. Nigh Kurt Neumann Leslie Godwins Sidney Salkow Eugene Forde Edw. Ludwig	61 60 80 67 73 75 65 66 100	11/30 12/14 10/5 11/23 9/21 10/5 10/5 8/31 10/5
10/14/38	FLIGHT TO FAME LADY VANISHES SHADOWS OVER SHANGHAI YOUNG DR. KILDARE WHERE THE BUFFALO ROAM ARKANSAS TRAIL A MAN TO REMEMBER FIVE OF A KIND THERE GOES MY HEART SWING THAT CHEEK	Ralph Cohn A. Hitchcock Fine Arts Lou Ostrow Ed Finney Geo. Arthur Bob Sisk K. MacGowan Hal Roach Max Golden	Col GB GN MGM Mono RKO 20th UA U	Drama Rom-Dr Com-Dr Western Com-Dr Drama Rom-Com Rom-Com College	C. Farrell-J. Wells M. Lockwood-P. Lucas J. Dunn-R. Morgan L. Ayres-L. Barrymore Tex Ritter B. Banta-F. Rainer E. Ellis-A. Shirley Dionne Quins-Hersholt F. March-V. Bruce T. Brown-A. Devine	C.C. Coleman, Jr. Alf Hitchcock Chas. Lamont H. Bucquet Al Herman Al Santel Garson Kanin H. I. Leeds Norman McLeod Harold Schuster	67 86 66 83 85 63 79 83 61 63	12/14 8/31 12/7 10/19 11/2 10/5 10/5 10/12 9/28 11/16
10/21/38	LISTEN, DARLING MYSTERIOUS RIDER MAD MISS MANTON MYSTERIOUS MR. WOO SERVICE DE LUXE	Jack Cummings Harry Sherman P. J. Wolfson Sol Wurtzel Ed Grainger	MGM Par RKO 20th U	Rom-Dr Western Mys-Com Com Com	Bartholomew-J. Garland D. Dumbrell-C. Fields B. Stanwyck-H. Fonda P. Lorr-M. Maguire C. Bennett-V. Price-Buggles	Edw. Marin Les Selander Leigh Jason Norman Foster Rowland V. Lee	72 74 78 61 83	10/19 11/16 10/12 10/12 10/19
10/28/38	LAW OF THE TEXAN THE LITTLE ADVENTRESS THE GREAT WALTZ THE CITADEL MEN WITH WINGS I STAND ACCUSED TARNISHED ANGEL SUEZ YOUNG IN HEART THE STORM THE LAST EXPRESS	Monroe Shaff Col Bernard Hyman Victor Saville Wm. A. Wellman John H. Auer B. F. Fineman Gene Markey D. O. Selznick Ken Goldsmith Irving Starr	Col Col MGM MGM MGM RKO RKO 20th UA U	Western Acc-Dr Musical Drama Drama Drama Drama Spec Rom-Dr Drama Meller	Ruck Jones-D. Fay E. Feltow-J. Wells L. Rainer-F. Gravet R. Donat-R. Russell F. MacMurray-R. Milland R. Cummings-H. Mack-Talbot S. Ellers-Bowman T. Power-L. Young J. Gaynor-D. Fairbanks, Jr. C. Blockford-B. McLane K. Taylor-D. Kent	Elmer Clifton D. R. Lederman J. Duvivier King Vidor Wm. A. Wellman John H. Auer Leslie Godwins Allan Dwan Richard Wallace Harold Young Otis Garrett	54 60 107 112 102 102 102 100 75 75 60	10/28 11/9 11/2 10/28 10/28 11/16 10/19 10/19 11/2 11/2 10/19
11/4/38	IN EARLY ARIZONA GANGSTER'S BOY GUN PACKED THE LAST RIDE ILLEGAL TRAFFIC LAWLESS VALLEY REHEIM OF THE DOBBLE ALWAYS IN TROUBLE EXPOSED	Col W. T. Lackey Robt. Tansey Jeff Lazarus Harold Hurley Bert Gilroy Harry Grey John Stone Bert Kelly	Col Mono Mono Par Par RKO RKO 20th U	Western Meller Western Rom-Dr Meller Western Western Comedy Drama	B. Elliott-D. Gulliver J. Cooper-L. Gilman J. Randall-E. Fox A. Tamiroff-F. Farmer J. C. Nash-M. Carlisle G. O'Brien-K. Sattton G. Aubrey-S. Burnette J. Withers-A. Trencher K. Kruger-G. Farrell	Jos. Levering Wm. Nigh J. Randall-E. Fox Alfred E. Green Louis King David Howard Geo. Sherman Jos. Salkow Max Golden	75 61 61 67 58 69 63	11/9 11/9 11/9 11/23 11/9 11/9 11/9 11/23
11/11/38	ADVENTURE IN SAHARA THE FROG SPRING MADNESS IF I WERE KING ANNABEL TAKES A TOUR STORM OVER BENIGAL JUST AROUND THE CORNER HIS EXCITING NIGHT	Lou Appleton Herbert Wilcox Edw. Chodorov Frank Lloyd Lou Lusty Armand Schaefer Dave Hempstead Ken Goldsmith	GB GB MGM Par RKO RKO 20th U	Drama Meller Rom-Com Drama Rom-Com Rom-Com Comedy Rom-Com	P. Kelly-L. Gray N. Kacey-G. Hayer M. O'Sullivan-L. Ayres R. Coleman-F. Dee-Bathbone J. Oakie-L. Ball F. Knowles-R. Hudson S. Temple-C. Farrell C. Ruggles-O. Munson	D. R. Lederman Jack Raymond C. S. Simon Frank Lloyd Lew Landers E. Feltow-J. Wells Irving Cummings Gus Meins	60 75 66 109 65 65 70 61	12/21 11/7 11/16 9/21 10/19 11/14 11/2 12/7
11/18/38	THE SHINING HOUR GANG BULLETS THANKS FOR THE MEMORY LAW WEST OF TOMBSTONE SANTA FE STAMPEDE SHARPSHOOTERS COWBOY AND THE LADY	E. B. Derr J. Manckiewicz Par Cliff Reid Wm. Berke Sol Wurtzel Sam Goldwyn	MGM Mono Par RKO RKO RKO UA	Meller Rom-Com Rom-Com Western Western Western Rom-Com	J. Crawford-K. Young A. Nagel-R. Kent B. Hope-S. Ross-Batterworth H. Carey-T. Holt-E. Brent J. Wayne-R. Corrigan E. Donnell G. Cooper-M. Oberon	Frank Borzage Lambert, Hillier G. Athanabaud Glenn Tryon Geo. Sherman E. Donnell Wm. Wyler	75 75 72 63 61	11/16 11/9 11/30 9/21 11/9
11/25/38	BLONDIE OUT WEST WITH HARDY'S LITTLE TENDERFOOT SAY IT IN FRENCH ARREST BULLDOG DRUMMOND COME ON, RANGERS ORPHANS OF THE STREET PECK'S BAD BOY WITH CIRCUS SUBMARINE PATROL LITTLE TOUGH GUYS IN SOCIETY	Robert Sparks Lou Ostrow Ed Finney Andrew Stone Stuart Walker Chas. E. Ford Herman Schlom Sol Lesser Gene Markey Max Golden	Col MGM Mono Mono Par Par RKO RKO 20th U	Comedy Com-Dr Western Comedy Comedy Mystery Western Rom-Com Drama Meller	P. Singleton-A. Lake M. Rooney-L. Selznick T. Ritter-J. Falkenberg R. Milland-O. Bradna J. Howard-H. Angel E. Rogers-M. Hart Armand Schaefer T. Kelly-A. Gillis R. Greene-N. Kelly-Bancroft M. Boland-E. Horton	Frank Strayer Edw. G. Robinson Al Herman Andrew Stone Jas. Hogan Joe Kane John H. Auer Edw. F. Cline John Ford Erle Kenton	69 84 64 70 69 56 68 68 76	11/2 11/23 11/23 11/30 11/23 11/23 11/23 11/23 11/23
12/2/38	FLIRTING WITH FATE LITTLE ORPHAN ANNIE WESTERN JAMBOREE ROAD DEMON STRANGE FACES	David Loew John Speaks Harry Grey Sol Wurtzel Bert Kelly	MGM Par Par RKO 20th U	Comedy Comedy Western Sports Com-Dr	J. E. Brown-L. Carrillo-S. Duna A. Gillis-R. Kent-J. Travis G. Aubrey-S. Burnette H. Arthur-J. Valerie D. Kent-F. Jenks	F. MacDonald Ben Holmes Ralph Staub Otto Brower Earl Tassart	70 57 57 76 66	12/14 11/30 12/14 12/14 12/7
12/9/38	RIO GRANDE ROUNDUP DRAMATIC PRISON I AM A CRIMINAL RIDE A CROOKED MILE NEXT TIME I MARRY UP THE RIVER SECRETS OF A NURSE	Irving Briskin Mervyn LeRoy E. B. Derr Jeff Lazarus Cliff Reid Sol Wurtzel Bert Kelly	Col M-G Mono Par RKO 20th U	Western Rom-Dr Rom-Dr Rom-Dr Comedy Meller Drama	C. Starrett-A. Doran L. Rainer-A. Marshall J. Carroll-M. Korman A. Tamiroff-F. Farmer L. Ball-J. Ellison-L. Bowman T. Martin-P. Brooks E. Lowe-H. Mack	Sam Nelson R. Sinclair Wm. Nigh Alfred E. Green Garson Kanin Alfred Werker Arthur Lubin	78 72 70 61 75 75 69	12/7 12/7 12/7 12/7 11/9 11/9 11/16
12/16/38	STRANGE CASE OF DR. MEAD CALIFORNIA FRONTIER A CHRISTMAS CAROL THE FRONTIERSMEN DOWN ON THE FARM PIRATES OF THE SKY SWING, SISTERS, SWING GHOST TOWN RIDERS	Col Monroe Shaff Joe Manckiewicz Harry Sherman Sol Wurtzel B. Sarecky Bert Kelly Trem Carr	Col M-G Mono Par 20th U U U	Drama Western Western Comedy Comedy Action Musical Western	J. Holt-B. Roberts-N. Beery B. Jones-G. Bailey E. Owen-T. Kilburn W. Boyd-G. Hayes-E. Venable J. Prouty-S. Byington K. Taylor-R. Hudson K. Murray-K. Kane Bob Baker	Lewis D. Collins Elmer Clifton E. L. Marin Les Selander Mal St. Clair Joe McDonough Joseph Santley Geo. Wagner	55 68 74 60 68 63	12/14 12/14 12/14 10/12
12/23/38	THERE'S THAT WOMAN AGAIN AWAKENING OF KATMA TOUGH KID WILD HORSE CANYON TOM SAWYER, DETECTIVE FIGHTING THROUGHREDS SHINE ON, HARVEST MOON THANKS FOR EVERYTHING TRADE WINDS NEWSBOYS' HOME	B. B. Kahane Harry Rapp Lindsay Parsons Robt. Tansey E. T. Lowe Armand Schaefer C. E. Ford H. J. Brown Walter Wanger Ken Goldsmith	Col M-G Mono Mono Par Par RKO RKO 20th U	Rom-Dr Drama Meller Western Rom-Dr Rom-Dr Rom-Dr Musical Rom-Dr Drama	M. Douglas-V. Bruce F. Gael-Tom Connolly F. Darro-J. Allen Jack Randall D. O'Connor-B. Cook R. Byrd-M. Carlisle E. Rogers-M. Hart A. Menjou-J. Oakie F. March-J. Bennett J. Cooper-W. Barrie	Al Hall Norman Taurog H. Bretherton Robert Hill Louis King Sidney Salkow Joe Kane Wm. A. Seiter Tay Garnett Harold Young	70 70 70 61 75 55 70 93	12/7 12/7 12/7 12/7 11/9 12/21 12/21
12/30/38	SMASHING THE SPY RING CLIMBING HIGH SWEETHEARTS SKY PIRATES ARTISTS AND MODELS ABROAD THE GREAT MAN VOTES KENTUCKY DUKE OF WEST POINT	Irving Briskin GB Hunt Stromberg Paul Malvern A. Hornblow, Jr. Cliff Reid Gene Markey Edw. Small	Col GB M-G Mono Par RKO 20th UA	Meller Comedy Musical Musical Musical Comedy Rom-Dr Rom-Com	F. Wray-R. Bellamy J. Mathews-M. Redgrave J. MacDonald-N. Eddy F. Trent-M. Wynola J. Benny-J. Bennett J. Barrymore-P. Holden L. Young-R. Greene L. Hayward-J. Fontaine	Christy Cabanne Carol Reed W. S. Van Dyke Paul Malvern Mitchell Leisen Garson Kanin David Butler Al Green	62 120 90 95 107	12/21 12/21 11/2 12/21 12/21
1/6/39	NORTH OF SHANGHAI STAND UP AND FIGHT PYGMALION KING OF CHINATOWN PACIFIC LINER WHILE NEW YORK SLEEPS LAST WARNING	W. MacDonald Mervyn LeRoy Gabriel Pascal Stuart Walker Robert Sisk Sol Wurtzel Irving Starr	Col M-G M-G RKO RKO 20th U	Drama Rom-Dr Comedy Drama Drama Melodrama Mystery	B. Furness-J. Craig R. Taylor-F. Rice-Beery L. Howard-W. Hiller A. Wong-Tamiroff-Lish McLaglen-C. Morris-W. Barr M. Whalen-J. Rogers F. Foster-F. Robinson	D. R. Lederman W. S. Van Dyke A. Asquith A. Wick Grinde Lew Landers H. B. Humberstone Al Rogell	61 62	12/21 12/7
1/13/39	THE THUNDERING WEST BURN 'EM UP O'CONNOR ZAZA THE PURB MIND TAIL SPIN SON OF FRANKENSTEIN	Irving Briskin Harry Rapp Albert Lewin P. J. Wolfson Harry J. Brown Rowland V. Lee	Col M-G Par RKO 20th U	Western Com-Rom Rom-Com Rom-Com Com-Rom Melodrama	C. Starrett-L. Meredith D. O'Keefe-C. Parker C. Colbert-H. Marshall A. Shirley-R. Daniel A. Faye-C. Farrell B. Karloff-E. Lugosi	Sam Nelson Edw. Sedgwick Geo. Cukor P. J. Wolfson A. Faye-C. Farrell Rowland V. Lee	72 78 78 78 78 78	12/21 12/21 12/21 12/21 12/21 12/21

Whom Did You Wish to See' Gate Due on CBS Ground Floor in N. Y.

CBS will go in for some more alteration of the building it occupies on Madison avenue after the start of the year. Network is taking up the back portions of the stores on the ground floor for the expansion of the lobby and the construction of reception room. New elevator doors and cars will also be installed. There it also be an information desk. Ground lobby as it now stands is small and narrow. With an information desk established at the entrance of the building the network officials figure that they can eliminate the wandering around of visitors from floor to floor in quest of a particular functionary or info.

EN. MOTORS XMAS SHOWS FOR EMPLOYEES

Detroit, Dec. 20.

General Motors is footing bill for one-hour Xmas shows over XYZ and Michigan web this week, aimed at auto corporation's vast army of workers in Michigan. Initial broadcast tonight (20) highlights GM Chorus of Detroit with 250 voices, and GM Symph of 60 pieces at the GM Players. All composed factory and office workers in Detroit. Rex White, w. k. Detroit newspaperman, penned special playlet, "The Crowded Inn," and will direct production. Program originates from Orchestra Hall here, where GM employees will gather for affair. Tomorrow night (21) special hour's program, originating from the IMA gym in Flint, Mich., will highlight Handel's "Messiah." Taking part will be the Flint Choral Union comprising 280 voices and the Flint Symphony orchestra division of GM is bankrolling.

'Carters of Elm Street' Pushed by Wander Co.

Chicago, Dec. 20.

Wander company (Ovaltine) is preparing to substitute its new daytime theme serial, "Carters of Elm Street," for "Little Orphan Annie" kid script in a number of spots throughout the nation starting some time in February. Plan indicated will be to continue "Little Orphan Annie" on the network on its present schedule and remain a portion of the spots, but to replace "Annie" with "Carters" morning femme serial in some 26 of the major markets.

Albie Booth Charters

'First Offender Club'

Hartford, Dec. 20.

The secretary of state's office Friday (16) approved articles of association for the "First Offender Club of America," organized recently. It is headed by New Haven County Sheriff Edwin J. Slavin, who is currently airing a "First Offender" series over WICG in that town. Also head of the organization with Slavin is Albert J. Booth, Jr. (Albie Booth of Yale fame). Organization will work for the rehabilitation of juvenile delinquents. Is a corporation without capital stock. Office will be maintained in New Haven.

PALEY GIVES \$15,000

Ben Bernie Calls Self a Decoy—Eddie Cantor Presides

Ben Bernie observed that this was the first time he has ever been used as a decoy, on the occasion of the Lincoln Moon (19) at the Hotel Astor, N. Y., presided over by Eddie Cantor. It honored Bernie on his 50th radio anniversary, but was primarily the excuse for a get-together in connection with show biz's drive on behalf of the Federation of Jewish charities.

Amusement quota is \$225,000. Some \$125,000 was pledged at the Lincoln Moon, topped by William S. Paley's \$15,000 donation.

"For Cantor's own pet charity, his boys camp in Upper N. Y., a luncheon was raised (Tues.), at the rate of \$6,000 in addition to \$1,000 donated by Cantor personally.

FIRESTONE'S 10 YEARS

Graph of Expenditures Charted—One of NBC's Oldest

Firestone Tire & Rubber Co. of Akron has just completed 10 years as a radio advertiser. It's one of NBC's oldest accounts. Statistics of the time expenditures present a graphic case history of a national advertiser (radio gets bulk of account). Spending curve followed this line:

*1928.....	\$33,491
1929.....	308,063
1930.....	143,245
1931.....	108,144
1932.....	132,087
†1933.....	137,062
1934.....	415,163
1935.....	496,557
1936.....	511,506
1937.....	537,634

* Started in December.

† Radio's worst year.

During this period of time the talent has included Vaughn de Leath, who inaugurated the series Dec. 3, 1928; Franklyn Bauer, Hugo Mariani's orchestra, James Melton, Gladys Rice, Harvey Firestone, Jr., William Daly's orchestra, Lawrence Tibbett, Richard Crooks, Gladys Swarthout, Frank Chapman, Rose Brancato, Margaret Speaks, Nelson Eddy and Alfred Wallenstein.

PICKETS TOUR IN FRONT OF KUDNER

Arthur Kudner agency got itself picketed last week because of a strike in an outfit with which it does business. A young, nattily-dressed looker did a French heel routine along the Fifth avenue entrance to the International building, where the agency is quartered, with a sandwich sign reading that Kudner insists on patronizing Luce's Press Clipping Bureau "which is unfair to organized labor."

While other tenants in the building such as consuls for foreign nations have frequently received this sort of publicity, it's the first time that an ad agency has been on either the primary or secondary picketing pan.

Ben Larson at Y&R

G. Bennett Larson, who joined the production staff of Young & Rubicam Monday (19), will most likely be assigned to the Phil Baker-Hawalian Pineapple show which starts Jan. 14. Larson was formerly with Ruthrauff & Ryan.

Psychological Causes of Radio Hysteria Probed by Princeton U.

A post-mortem is to be conducted by the Princeton University radio project on the psychological why-factors of mass hysteria following the recent Orson Welles "War of the Worlds" broadcast. Realistic attempts to find out the exact nature of specific behavior and whether newspapers exaggerated will also take other novel avenues of exploration. Scholarly approach will attempt to see if foreign extraction population reacted more violently than "old stock," and if areas where natural catastrophes have occurred before are more or less susceptible to hysteria. Selected for the latter purpose will be flood areas of New York, Pennsylvania and Kentucky, the earthquake belt in California, and similar zones. Objective is to ascertain if possible whether previous experience with nature on a rampage "set the stage" for panic. One phase of the investigation will

Radio's Legit Backers

One of the backers of the new George S. Kaufman-Moss Hart show, "The American Way," is reported to be Isaac D. Levy, chairman of the board of WCAU, Philadelphia, and a vice-president of CBS. His contribution is said to be \$15,000. William Paley is mentioned as another bankroller of the show. Latter is also in on the Playwrights' Co., currently offering "Abie Lincoln in Illinois," at the Plymouth; "Knickerbocker Holiday," at the Barrymore and "American Landscape," at the Cort. "Way" opens at the Center, N. Y., early next month, with Fredric March featured.

Radio's 'Uncle Bob' Runs For Office on Safety Issue City Spurred

Toronto, Dec. 20.

Planning an aggressive campaign of safety for school children in an effort to reduce traffic accidents involving mopeds, Fred Kantel, will toss his hat into the local municipal ring and run for the Aldermanic Board of Toronto. As "Uncle Bob," he started in radio in 1929 and since that time has conducted several educational series promoting highway safety. Now on the air every week night over CBC, Toronto, Kantel numbers more than 40,000 youngsters who have joined his "Safety Brigade."

Kantel went before the Board of Education here with a proposal to organize safety patrols in every school in the city. Rejection of the plan resulted in his decision to go after a seat on the Aldermanic Board and the announcement that he will then submit his plan to the Ontario Department of Education, whose authority supersedes the city board. Plans for a house-to-house canvassing of parents in Ward 1 are now being completed.

DON SHAW DEPARTS

Phil Wygott to Australia for J. Walter Thompson

Phil Wygott, production man and scriptist, is leaving McCann-Erickson, along with Don Shaw, at the end of next week to join J. Walter Thompson's branch office in Sydney, Australia. Shaw, who came to the agency as assistant to the president, has no plans. He was formerly eastern sales manager for NBC. Wygott's previous connection was the Thompson office in New York.

Camel Spots Back Jan. 1

Camel resumes its transcribed spot announcement campaign Jan. 1. It will be one of those situations where the number of stations and announcements per day will be determined by what the agency, William Esty, considers the best buy. Station list will run between 30 and 40, while the contracts will run from 26 to 52 weeks, with some of them calling for as many as 10 spots a day.

\$2,500 Special Fund Greases Ways For NAB Liaison with Set-Makers

KYW XMAS CARD STUNT

Nearly Flopped Due to Arabs Burning Post Office

Philadelphia, Dec. 20. Stunt in sending out its Xmas greetings was used by KYW this year. Cards arrived last week, postmarked from Bethlehem and bearing a Palestine stamp. Lambert Beeuwkes, promotion manager, worked out stunt with Donald Blair, Philly manager for Thomas Cook & Sons.

Greetings were put aboard the S. S. Exochorda out of Jersey City Nov. 8, dropped at Alexandria, sent from there to Haifa and from Haifa to Jerusalem by bus. But by the time the packet reached Jerusalem the postoffice had been burned to the ground by rioting Arabs at Bethlehem. By last-minute wire-plugging, however, official stamp of Bethlehem was released from the chancery where it had been placed when the p.o. was fired. Cards returned by way of Genoa on the S. S. Esperia.

29 YEARS IN BIZ, QUILTS AT 33

Milwaukee, Dec. 20.

For the sixth consecutive season a capacity crowd of 1,800 jammed Milwaukee Auditorium for the annual Christmas party of WTMJ's maestro, Heinie. Proceeds of the big gemutlichkeit (cheerfulness) session, in which more than 150 entertainers took part, go to Milwaukee Journal Goodwill fund for poverty's children.

Ann Suter, torch singer, stopped the show in what she said was her farewell appearance on any stage, since she was to be married three days later. Stated she was 33 and on stage 29 years.

In the Auditorium basement, 30 bartenders working at top speed tried to quench the crowd's beer thirst.

In addition to Heinie's own Grenadiers from WTMJ, several other bands appeared through the courtesy of the Milwaukee Musicians' Union. They were those of Griff Williams, Lee Roth, Red Roberts and Johnny Warren. Betty and Her Playgirls, Harmonica Cal's Badger State Barn Dance, the Continental Flyers, the Five Cameos, Edith Rae, Ford and Barnes, Jane Rubey and the Sophisticates of Swing, and Don McClellan appeared.

Prof. Pitkin on Gruen E.T.s for Transamerik

Gruen Watch has renewed for a dealer campaign after the first of the year, with the Transamerica Broadcasting & Television Corp. set to do the disc production. There will be two quarter-hour series, and probably a third, limited to five minutes. Campaign will be placed on 164 stations.

One of the 15-minute series will be all musical, while the other will be a mixture of exposition and drama, tentatively titled "If I Could Live It Over Again." Professor Walter B. Pitkin is the narrator. Each group will run for 13 weeks.

Transamerica is also working on a dealer show for Sealsac. It likewise will be timed for 15 minutes and start in January.

Tone with Kate Smith

Franchot Tone's radio playlet series for NBC will get a tryout on the Kate Smith program over WABC-Columbia net on Jan. 12. Actor is in New York now readying for a legit role with the Group Theatre. Elaine Sterne Carrington is writing the series, which will be labeled "Heaven Is Here." She made deal on the Coast with Tone and the radio chain about a month ago. First one is not titled yet.

Washington, Dec. 20. Active work on the cooperative effort to build good will for radio gets under way early next month when the National Association of Broadcasters and the Radio Manufacturers Association launch huddles about promotional campaign. Path was cleared last week when NAB directors appropriated up to \$2,500 for the undertaking.

With its 50-page "primer" on the A. B. C. of radio due from the printers momentarily, the NAB staff is sounding out station and network people for ideas and getting set for further conferences at which concrete moves will be discussed. Shortly after the holiday season, the two bodies expect to call together advertising managers, promotion experts, program builders, and other consultants to see just what can be arranged in the way of plugging individual enterprise and selling the public.

Budget Problem

Although no large outline is scheduled, widespread effort has been mapped out in general outline. Dealer window displays, station open house affairs, magazine and newspaper advertising, public exhibitions, and special ballyhoo programs are included. Disc manufacturers will be invited to sit in on the thought-swapping.

In joining hands, each branch of the business will rely mainly upon its own facilities to keep expenses down. No agency will be hired to direct the campaign, although NAB may engage a promotion consultant or add to the regular headquarters an exploitation expert. Broadcasters will throw in time and talent, while set-makers are expected to earmark part of their regular advertising budgets for general industrial goodwill propaganda. The new primer, which will be distributed to the public with new set sales, is the first move to combat possible excessive regulation and threatened government ownership of radio.

ENNA JETTICK LOCAL TO START, D'ARTEGA IN

Enna Jettick Shoe goes on WABC, N. Y., Feb. 18 with a half hour musical show, which will later be given a network hookup. Cast will consist of a band conducted by D'Artega, Jimmy Shields, the 7 G's chorus and an m. c. yet to be set. It's the Saturday 9:30 to 10 p. m. spot. Marschall & Pratt is the agency.

Biffs from Buff

By ROD REED

Buffalo, Dec. 20.

Cook Tolls man is back on the radio to tell us what countries we may visit and what to wear for armour.

Television will be more economical if all the daytime serials use the same courtroom set.

Artie Shaw and his theme are poorly spotted by NBC—"Nightmare" should follow "Lights Out."

Comedian Youngman's name always comes out "Henry." Typesetters do better with Sonja.

"Buck Rogers" is coming back and "The Shadow" has been extended. Those who were scared by "The War of the Worlds" might as well buy commuters' tickets to the hills.

'Gateway's' Getaway

Hollywood, Dec. 20.

Miriam Hopkins will guest with Jesse Lasky's discoveries on the first "Gateway to Hollywood" program for Wrigley, Jan. 8. Tyros chosen for initiates are Billie Page of Dallas and Ralph Bowman from Lincoln, Neb.

Joan Bennett is booked for the second week, with Tony Bickley of Ogunquit, Me., and Rowena Cook, New York.

AD MEN ANSWER ACTORS

Admen on Committee

Committee of agency men that yesterday (Tuesday) issued a statement on its reaction to recent discussions with the American Federation of Radio Actors was as follows:

Chester J. LaRoche, Pres., Young & Rubicam, Inc., chairman.
Richard Compton, Pres., Compton, Inc.
Ralph Van Buren, Secretary, Ruthrauff & Ryan.
Edward Lasker, v.p., Lord & Thomas.
Atherton Hobler, Pres., Benton & Bowles.
Arthur Fryer, Jr., v.p., B. B. D. & O.
John U. Reber, v.p., J. Walter Thompson Co.

St. Louis Stations Prepare for Poll of Talent, Including Spielers, as Ordered

St. Louis, Dec. 20. Following AFRA's sweeping victory before the NLRB, in Washington, which last week sustained AFRA's contention that gabbers of local radio stations belong to the same union as actors and singers, St. Louis headquarters began preparing for the election, ordered held within 30 days under NLRB jurisdiction, to determine whether a majority of radio artists in stations KSD, WEW and KWK wish to be represented in collective bargaining by AFRA.

NLRB, in its decision, found that 47 of the 62 KMOX employees were members of AFRA and the union should be recognized as the bargaining agency for them. After reviewing evidence submitted before Trial Examiner J. J. Fitzpatrick during a nine-day session here last summer and oral arguments made in Washington on Nov. 3, NLRB held that singers, actors and gabbers constituted an appropriate group for collective bargaining. Counsel for the stations had contended that gabbers could not be properly included in the same bargaining group. Testimony showed that 28 or 29 of the 41 gabbers employed by the four stations were members of AFRA which is affiliated with the AFL.

It was concluded that this indicated the unwillingness of the gabbers to form a separate union and the board pointed out that such employees were grouped for collective bargaining at stations in other cities and there was no St. Louis union which wished to include them.

Hillbillies Left Out

Free-lance as well as staff employees were included among those eligible to participate in the election, but persons paid by advertisers or other sponsors or who worked without compensation were declared to be ineligible. Hillbilly talent at several St. Louis stations was pushed around as the board excluded them on the grounds they had not sought membership in AFRA but were attempting to join AFM.

AFRA headquarters maintains it has a majority of members employed by KSD, KWK and WEW in addition to KMOX and is confident that the vote to be taken will prove this. Meanwhile some 20 scripters in St. Louis stations have asked for admission to AFRA Chapter and this matter will be threshed out at the next meeting of the union. There is little likelihood that the applications will be nixed as a precedent recently was established when KNX scripters were taken in as members of the Los Angeles Chapter of AFRA.

Foster's Statement

Commenting on NLRB's action, A. S. Foster, gen. mgr. of WEW, said, "Regarding the recent NLRB decision, we honestly feel that announcers should be in a bargaining unit separate from singers and actors. Their status is much different. Singers and actors are chiefly casual employees and are only concerned with the show of the moment. The announcers consider the operation as a whole and are full-time employees. However, the board has decided that it is appropriate to place them all in one bargaining unit."

John R. Green, counsel for KSD, said, "There was no disagreement between KSD and AFRA except in regard to the scope of the appropriate bargaining unit under the Wagner Act. KSD questioned whether under the laws its full-time salaried announcers could be placed in the

same bargaining unit with the free-lance actors and singers. The station has offered to negotiate with the union as a bargaining agent for the announcers as one unit and for the free-lance actors and singers as a separate unit. The board's order presumably will give these actors and singers an equal vote with staff employees at each of the radio stations at which the actor or singer has appeared."

Robert T. Convey of KWK said, "There were many points in the NLRB decision to which the management might take exceptions; however, we feel that our contention that announcers should be separated from actors and free-lance artists was valid. On this most important point we were overruled and undoubtedly the grouping of all artists in one bargaining unit will present numerous problems and inequalities."

Cantor to L. A. Jan. 9

Eddie Cantor will return to the West Coast after his Camel broadcast of Jan. 9.

Next series from Hollywood.

LaRoche Explains Agencies' Case

AFRA's Grievances, Wage Scale, Union Recognition Issue Covered by Agencies Committee

DOOR STILL OPEN

The advertising agencies yesterday (Tuesday) became articulate for the first time on the subject of the radio actors' union (AFRA) when Chester LaRoche, president of Young & Rubicam and chairman of the agencies committee (not a Four A committee) explained agency sentiment.

In reply to questions put by VARIETY, LaRoche explained the philosophy of the committee's reaction to the discussions so far with the AFRA. LaRoche made it clear that while the committee could not act for the advertisers, it was deeply interested in finding out what the AFRA was driving at since the clients represented by the individuals on the committee would in the final analysis have to depend on them for information and counsel.

Yardstick of Theatre

LaRoche said that he felt that the issues prevailing between the sponsor and AFRA tended to become obscure and distorted through the efforts of AFRA spokesmen to apply the yardstick of the theatre to radio. Head of Y&R also made it clear that the statement did not imply an air of finality or anything approaching it. The committee, he said, would continue to try to arrive at a solution of the problem as advanced by the AFRA.

Statement of Agency Committee

By Chester La Roche
Chairman

Advertising Agencies' radio committee in discussions with the American Federation of Radio Artists has no time offered in opposition to the unionizing of the radio artists. It recognizes that unionization is a matter for the decision of the artists themselves.

The Radio committee is merely an advisory group. It is composed of members who volunteered to counsel with the union representatives who were unfamiliar with many of the problems of radio broadcast advertising, in order that the interests of all concerned—the artists, the medium and the advertisers—would be considered fully during the discussions. Just as the American Association of Advertising Agencies has no power to represent its various members in the negotiation of contracts, the Radio Committee has no authority to commit agencies or clients on matters of labor policy, pay scales or working conditions.

Agencies Advisory Job

Labor policies of the client of advertising agencies vary so much that no central group is in a position to deal with finality with the question of a trade union contract in radio broadcasting. But since the agencies have advisory positions with the client companies, the committee felt that it could and should discuss, possibly to the advantage of all concerned, the questions raised by the union representatives.

Accordingly, in the past year, meetings have been held with representatives of the AFRA for the exchange of views about working conditions in radio broadcasting and for an examination of economic and pay scale factors which affect the use of broadcasting for advertising in competition with other advertising media.

Earlier in the year AFRA submitted a proposal for a contract with

the employers of broadcasting talent which after considerable discussion was abandoned by AFRA.

AFRA has now submitted a proposal, which suggests the establishment of a minimum wage for broadcasting artists on the national networks and the recognition of guild shop. The guild shop requires that non-union entertainers in the union. Although not technically such, this would virtually mean a closed shop for broadcasting talent.

The committee of the agencies in with AFRA representatives to discuss this new proposal and at the meeting offered to submit the proposal to advertising agencies to obtain their opinion. At the same time the committee informed the representatives that, in its opinion, the proposal was still so far out of line with the economic possibilities of radio broadcasting that it constituted a real threat to the use of broadcasting for advertising purposes.

The basis for this feeling can be explained by an examination of the basic wage demanded, the minimum rate for a 15-minute broadcast. Further demands were presented for half-hour and hour programs, these proportionately extend the maladjustment that may be seen in the 15-minute wage demand.

\$37 Daily Wage

The proposed scale provides minimum wage of \$15 for any actor who appears on a 15-minute sponsored network program, plus \$1 for the rebroadcast of the program and \$6 for an hour of required rehearsal time. Many 15-minute commercial programs are rebroadcast in a different section of the country the day of the original broadcast and many of them require two hours for rehearsal. Thus the proposed scale, applied to common program practice, would mean a minimum daily wage of \$37 and, for the normal program broadcast five times a week, a minimum weekly wage of \$185, regardless of how minor a part the artist had in the program.

Under present circumstances the average pay is about \$25 per program for the actors who are cast in the leading roles on a 15-minute program, with no extra pay for rehearsal. When the program is broadcast the pay for the second appearance is less, and at times the original fee covers both the initial program and the re-broadcast. Additional shows are broadcast during the week, the pay per single broadcast often decreases.

AFRA's proposal, consequently, would increase the pay for appearance on a 15-minute commercial network program for an average of around \$25 for the top roles to a minimum of \$37 for the minor roles. The new scale, high for the single day, is even more prohibitive when it is applied to a series of programs in the same week, since, as compared with an average fee now of \$125 a week for leading roles, the proposed scale would provide a minimum of \$185 even for minor roles.

To establish what in its practical effect would be a minimum wage of \$185 weekly for appearance on the normal 15-minute network program with a higher minimum for the half-hour and hour programs, would be most unfair to the radio artists themselves, because it would tend to reduce the size of the cast employed for a program, and thereby lessen rather than improve the opportunity for the lesser performers—the rank and file—whose interests AFRA especially desires to protect. It would tend to drive daytime programs off the air. It would tend on the whole to discourage and impair the use of broadcasting for advertising purposes.

Cutting Down Staff

In order to examine further the practical consequences of the proposal in relation to program costs, the committee has applied the suggested minimum pay scale for actors, singers and commercial voices to several programs, with the following results. In the actual case of a chorus of 60 voices hired at a cost of \$12.00 for a series of programs—a cost established by fair negotiation in the

(Continued on page 28)

LAST CALL! THIRD OF A CENTURY ANNIVERSARY NUMBER

of

VARIETY

To Be Published Shortly

Special Exploitation Advantages

USUAL ADVERTISING RATES PREVAIL

Reservations and Copy May Be Sent to Any
Variety Office

NEW YORK
154 W. 46th St.

HOLLYWOOD
1708 No. Vine St.

CHICAGO
54 W. Randolph St.

LONDON
8 St. Martin's Pl.

Radio Productions, Inc., has been chartered to conduct a broadcasting business in New York. Capital stock is 200 no par value shares. Directors are: Irving B. Schindel, Brooklyn; George H. Schwartz, Sea Gate, and Ruth R. Ehrentraub, Laurelton, L. I. Austrian & Lance, New York, filing attorneys.

Public's Baffling Reactions

Following two experiences can be added to the anecdota concerning the listeners' reactions to various giveaway items. The response in either instance proved not only surprising but mysterious to the advertiser.

WJWS, Washington, had been offering a dollar bill to the first person telephoning the answer to a broadcast puzzle when as an experiment it changed the giveaway to two 40c theatre tickets on which a tax of 12c would have to be paid by the admittes. The result of the shift was an immediate increase by more than 100% of the number of participants.

Other case involved the offer of a salad-mixing wooden fork and spoon for a can nozzle and 10c. by a salad dressing manufacturer over two 50,000-watt and one 5,000-watt stations catering to middle-west and southern listeners. There were 57 announcements and the upshot was exactly three returns. Speculation stemming from this incident was twofold: (1) how common, if any, is the wooden mixing bowl in the American home, and (2) whether it had been smart in the first place to offer only part of a household utensil. Sale of the product itself showed a substantial uplift in those same areas during the course of the air campaign.

BRINCKERHOFF EXPANDS N.A.B. CATALOG

Washington, Dec. 20.

Completion of a supply of 300 hours of royalty-free music within the next two years is the goal behind the joint efforts of National Association of Broadcasters and E. V. Brinkerhoff & Co., purchaser of the trade group's own transcription library. Deal was concluded last week at the NAB directorate session after conferences with both Brinkerhoff and Langlois-Wentworth firm, only bidders for Bureau of Copyrights, Inc.

Terms of the contract require Brinkerhoff to produce as rapidly as is physically possible the additional 80 hours, so far unrecorded, promised in contracts between NAB and its membership. With 20 hours already on wax, scoring and title searching has been done on another 30 hours on which production will begin shortly. Under the agreement NAB will license Brinkerhoff to use the 20 hours, receiving in return \$25,000 cash and promise of royalties which would wipe out the investment of between \$55,000 and \$60,000.

Difference between the total outlay and the initial installment will be paid gradually over an unspecified period of time from sales of additional records. Brinkerhoff will hand over 50% of the amount received from purchasers of the additional 80 hours to be turned out as well as half of the proceeds from sale of the 20 recorded hours to new subscribers.

Protection for the industry is provided in the pact. Besides having an advisory committee to consult with the disc manufacturer as production continues, NAB received assurance that there will be no gouging on sale of additional recordings. Maximum which Brinkerhoff will charge for transcriptions after the first 100 hours is \$15 a platter. As a premium, each purchaser will receive one copy of the music on each record in sheet form so stations can have their own arrangers make orchestrations for live talent purposes.

EDDIE DE LANGE GETS PHIL BAKER SPOT

Eddie De Lange's orchestra, organized during the past year, and Elisse Cooper, soloist with the band, have been signed for the Phil Baker commercial on CBS to start Jan. 14. The contract is for 13 weeks with options.

William Morris office set the deal for De Lange, first orchestra to go into its new band booking department.

Texaco Drops Merkel

Hollywood, Dec. 20.

All hands on Texaco Star Theatre with the exception of Una Merkel had their options taken up for another 13 weeks.

Producer Bill Bacher is still shopping around for an emcee to succeed John Barrymore, who goes east for stage show.

Thesaurus Asks Lesser Royalty on 'Played-Out' Hits, MPPA Unreceptive

NBC's Thesaurus division wants the copyright owners of the music in its transcribed library to grant a special fee for pop tunes that aren't used because their popularity has expired. Network would rather pay something of a master charge than have to go to the expense of remarking the entire record. The disused number may be on the same disc with two tunes that still have public appeal.

Web's recorded library division has taken up this matter with Harry Fox, agent and trustee for publishers, but the indications are that the proposal will be turned down on the ground that as long as these numbers are available to station subscribers there is always the chance of their being broadcast. The pubs would prefer to have the licenses covering such tunes discontinued altogether.

THINGS HAPPEN AT WFIL

Grabbhorn Joins Staff—Petry Appointed—Withycomb Sues

WFIL, long-reported in for a shake-up, acquired a new national representative and new national sales manager this week, and simultaneously Don Withycomb, former g.m., filed suit in New York demanding \$45,000 for breach of three-year contract. He was let out in September by Clipp, big manager, has replaced him.

New rep is Edward Petry. Jack Stewart is displaced at national sales manager by Murray Grabbhorn, formerly with John Blair and Hearst International Sales. He takes over on Jan. 2.

Withycomb's suit was filed in New York City on the day the New York office of WFIL closed, the final one on which it would be effective in that state. Sam Rosenbaum, prez of WFIL, told VARIETY yesterday: 'We are advised that under the circumstances that made necessary Withycomb's separation from the staff, WFIL has no legal liability whatsoever. A generous offer of settlement was made, but Withycomb has elected to sue. The suit, of course, will be defended.'

Withycomb a Citizen

Withycomb is in Montreal over the holidays to visit relatives. He has been in Florida past several weeks. One of his last acts in Philadelphia was to get his final naturalization papers making him an American citizen. He's Canadian by birth.

Transamerican Produces 'Visiting Nurse' Serial

Production of 'Visiting Nurse', transcribed serial, has been taken over by the Transamerican Broadcasting & Television Corp. Royal Baking Powder will likely expand the station list after the first of the year. Program is being tested on stations in Texas and New England at the rate of five quarter-hours a week.

World Broadcasting formerly had the production assignment.

MERRILL MYERS AT NBC

Chicago, Dec. 20. Merrill Myers added to local NBC entertainment staff by Ken Robinson, the Simon Legree of the NBC scribbles. Myers formerly with Metro writing department.

CBS PUTS PUBLIC RELATIONS DEPT. ON PLANE OF IMPORTANCE FOR FIRST TIME

STRIKE SILENCES WGNV Off Air for Three Days—2 Spielers, Fanelman Discharge Caused It

Newburgh, N. Y., Dec. 20.

WGNV, Newburgh, N. Y., was in operation again last week after almost three complete days of silence due to a strike of the station's staff, called by the WGNV Employees Union. Formation of the union occurred after two announcers and a technician were discharged by Peter Goelet, owner of the transmitter.

Following its formation, the WGNV union negotiated with the owner for reconsideration of the dismissal of the three staff members. Scott Buckley, chief announcer; Nelson M. Griggs, announcer-engineer; Irwin Moisan, transmitter technician, and advanced demands on working conditions and wages. These demands were rejected and a strike forced the station off the air at 11:30 a.m. Dec. 10, remaining off until Tuesday (13), when it resumed under a skeleton staff.

Moisan, transmitter technician, telephoned the New York office of the FCC to determine whether his refusal to put programs on the air jeopardizes his license or whether it was compulsory for him to do so. He was informed it was not, and his refusal didn't tend toward harming his license. The trio discharged were not given any reason for the pink slip, but were told it was not due to incompetence.

Power Vice Boyer, But Latter Back Next Fall

Hollywood, Dec. 20.

Charles Boyer goes off Woodbury Playhouse Jan. 1 after filling in for 13-week layoff of Tyrone Power, who returns to the 'dramatic series. Boyer resumes on the soap program next fall on 39-week deal.

Red Skelton's Series

Cincinnati, Dec. 20.

Red Skelton, the doughnut-dunker comic, who guested on the Avalon cigarette weekly program on WLW and NBC Red Saturday (17), is set for a 13-week stretch in that series, beginning Jan. 4. Show topper is Red Foley, hillbilly singer.

Account handled by the Russell M. Seeds agency.

Max Jordan Explains His Scoops

Luck Important in Beating the Other Fellow— Pooh-Poohs 'Inside Track' on Political Broadcast

By BOB LANDREY

Knowledge of the ins and outs of central European politics and red tape, plus the important element of luck, are the prerequisites of getting scoops in transoceanic radio. So declares Max Jordan, NBC's continental radio director, who is now in the United States on a month's holiday. Under cross-examination concerning his two celebrated scoops, first at Vienna during Anschluss, and this fall in Munich, when he had the English translation of the Four Power pact on the air 46 minutes ahead of CBS, Jordan frankly concedes the role played by sheer good fortune in both events.

William Shirer, the Columbia man, had been in Vienna ahead of Jordan and could have scored a scoop except that he was the victim of a sudden change of government that produced a confused state of mind in which nobody in Vienna would or could take the responsibility for authorizing a broadcast to America. Despairing of breaking through the red tape and uncertainty regarding the coup d'etat functionaries that had taken over Austrian radio, Shirer took an aeroplane out of Vienna to London in order to broadcast his eyewitness account. Jordan, who had spent the eventful night after Schussnigg's fall on a train from Zurich, Switzerland, arrived in Vienna hours after Shirer had left for London. During the day the confusion of the change of govern-

Lou Ruppel, Managing Editor of Chicago Times, Gets Job at \$26,000 Annually—Has Government and Political Experience

Sales V.P. Not Set

New v.p. in charge of sales at CBS probably will not be named until after the first of the year.

Candidates for the job are still being interviewed.

Chicago, Dec. 20.

Lou Ruppel, formerly managing editor of the Chicago Times, has been named public relations and press chairman for the Columbia broadcasting system. J. Leslie Atlass handled the deal. Ruppel finally made the switch when he ran into a snag of arguments over editorial policy with the Times' owners.

Ruppel had also considered shifting to Hearst in charge of the Hearst syndicator and was in confab with J. V. Connolly, Hearst exec, when he was called in by William S. Paley, CBS prexy, who emphasized the Atlass offer.

Background

Ruppel first hit big in newspaper work as an editor of the New York News, which he later left after a fight with the Pattersons. On his departure from the News he was named head of the U. S. Narcotic Bureau, this appointment dating to his personal friendship with the entire family of Franklin D. Roosevelt and to James Farley.

He made the Times here an outstanding upholder of the Democratic party's policies and campaigns, and was the midwest great booster for Roosevelt in the 1936 elections.

He turned in a great job for the Times, taking it from a weakie to an outstanding position in Chicago's paper field. He did the trick on novelty and wide-awake editorial handling, and established the paper solidly with a great sense of punch headline writing. It was Ruppel who cracked nation-wide attention by front-paging a headline after the Roosevelt 1936 landslide, not the results of the election, but simply: '56 Days to Xmas.' The implication being that the elections were over and that the country could settle back to its full spirit of friendship and goodwill for all Americans, whether Republicans or Democrats.

Dept. Prestige Poor

With the arrival in New York of Lou Ruppel, managing editor of the Chicago Times, to become head of the public relations and publicity department of the Columbia Broadcasting System, the network will for the first time take steps to strengthen its self-admitted weak sister department. Job is to be invested with importance and a high salary. The latter said to be \$26,000. Ruppel will also be made vice president of CBS. Thus, in a series of innovations, CBS will seek to de-stigmatize 'publicity' and set up the department to do a broad scale job and to rank or outrank in importance any other single department of the network.

Columbia's high command has concerned itself for over a year and a half with the problem of filling the job. Requirements of a man 'that was both executive and gladiator, capable of functioning in governmental and social spheres as well as within the organization itself gradually pushed up the salary from \$15,000 (twice what it had ever been in the past) to higher figures. Ruppel as managing editor of the Chicago Times reputedly got \$35,000 annually and was on the verge of going to Hearst when the deal with CBS was clinched.

MUSICIANS SHARE BONUS

Louisville, Dec. 20.

Management of WHAS, Courier Journal & Times, played Santa Claus in a practical way, by presenting employees with substantial cash bonuses based on salary and length of service. Gesture included everyone on station payroll, even staff musicians coming in for their share, whose pay is determined by union scale.

Musicians received bonus checks averaging \$78 each.

ment lessened and it was possible for Jordan to arrange a broadcast on NBC for that evening, the first from Austria after Anschluss and as such a scoop.

Events that lead to his broadcast of the English translation of the Munich pact from the Fuehrerhaus were a series of lucky breaks. Jordan and Karl von Weizsaecker slipped into the latter building during the evening while the CBS rep stayed close to the Munich radio station elsewhere and had a newspaperman inside the conference building to protect him. There was a room with radio microphone and panel board in the building. It was expected to be pre-empted by the German radio.

A lucky contact with a member of the British diplomatic delegation provided Jordan with an English translation some 10 minutes before the original Nazi broadcast. Jordan's limited to entertainment and cultural matters and not to political broadcasts which, he states, are open to all.

Since the return to America of Caesar Sarchinger (now with NBC in New York), Jordan is the dean of the European radio correspondents for American broadcasting.

BEATRICE LILLIE
With Orson Welles, Jane Wyatt,
Jeanne Dante, Laura Baxter, Ray
Collins
60 Mins.
CAMPBELL
Friday, 9 p.m.
WABC-CBS, New York
(F. Ward Wheelock)

Beatrice Lillie playing a straight role. Not 100% straight because the typical Lillie curtsy is done at the finish or two here and there. But still qualifying as a novelty and giving Campbell a slick hour of entertainment as set up and projected by Orson Welles from an uncommonly witty and well-concocted script by Dottie Hobart.

It was a frothy trifle about a man, his wife and his two daughters and the brushes these three had with romance on the first day of spring. It wasn't important, but it was engrossing. Nothing much happened, but a lot of characters emerged in vivid credibility.

In a semi-quiet non-Martian way it might even be said that this was a bit of a milestone in radio story-telling. There was a minimum of commercial interruption and personality curtain speaching. A maximum of plot and players. And by virtue of the complete reliance on story and the devices employed in spinning the narrative, it is apparent the dramatic department of American radio is on the march.

Miss Lillie occasionally stepped to the imaginary radio footlights and commented on the action and the scene. For example she said the first sound you will hear is my husband at 7 a.m., and then there was a snoring effect. Again she set the scene in the bathroom and the sound was of Orson Welles splashing and singing in the tub.

A cute flippancy was an entr'acte quip from the British comedienne when she announced: "Any similarity to living characters is a feather in my cap."

Nice acting all the way by the cast, with Jane Wyatt and Jeanne Dante especially good. The daughter Jeanne Dante was the middle-aged lawyer a strong centerpiece. Land.

JOSEPHINE YOUNG CASE

With Hines-Local
WG, Schenectady

Josephine Young Case, daughter of Owen D. Young, fired the first of two shots when she took a NBC "to win" public for her verse novel, "The Day After the 31st of March," when she delivered a 15-minute talk over WG. Mrs. Case's Schenectady show had particular local interest because her father is board chairman of General Electric Co. (owner of WG) and because she was with her husband (also a writer) in Van Hornesville, WGY area, town made famous by her dad. Talk probably would have been punchier in interview form. Mrs. Case has a low-pitched, pleasant voice, but does not use it with all the flexibility possible, and desirable for radio.

Later in the week NBC broadcast a dramatization of her tale, *Jaco*.

SANDY MACPHERSON

Organist
Tuesday (22)
EBC, London

Sandy MacPherson's premiere at BBC theatre organ, which he handles as staff assignment from now on, indicated his aim to model his technique on that of Reggie Foort, who just quit. Same wide choice of material, same informal use of the media, same relaxed atmosphere. Where he differs is in a predisposition to noise—a defect lingering from his Empire theatre days—and he is apt to be heavy on the console.

Sig theme is "I'll Play to You." Began with spirituals, then "Wedding of the mezzos from 'Cavalleria Rusticana' as a chaser. A weirdly mixed program, perhaps, but excusable as an introductory dish, and it certainly confirmed MacPherson's range.

His mike voice suggests a pleasant ambulatory personality.

'STUDENT AT THE MIKE'

With John McKay
Interviews
15 Mins., Local
KENEEDY DAIRY

Daily, 7:15 p.m.
WMBC, Detroit
John McKay, as the Kennedy Reporter, piles studies at school reporters, and current topic questions. Stuff is waxed and aired top on evening program, Monday through Friday.

Interviewees get order for month's supply of sponsor's milk. McKay does a nice job with a wide assortment of topics. Blah is not too burdensome. Pete.

TINY HILL ORCHESTRA

30 Mins., Local
Tu-Sa-Su, 11:30 p.m. CST
WGN, Chicago

A few orchestra members from the mid-west that gives indications of catching on. Has a lot of melody and goes in for tone and tune rather than jamming and drum-walloping. Lends well over the loudspeaker.

There are a number of novelty items on the band's routine that are catchy and good, clean fun for the run of radio listeners. Gold.

DOROTHY GORDON

Talk Shows
15 Mins.
WHEATENA
W-W-F, 5:45 p.m.

WOR-TV, New York
Wobrow (Rohrbach & Gibson)

Dorothy Gordon stacks up merely as a more intensive edition of Irene Wicker's Singing Lady. Her picture picture picture with Miss Gordon went at her job might have been due to the nervousness of going usually with an opening broadcast and the chances are that she will in time calm down and feed the kids their syrupy bedtime stuff in the nice, leisurely, unctuous manner that her predecessors have made part of the formula.

It all comes out of what Miss Gordon describes as the 'Wheatena Treasure Bag' both songs and fairy tales. Like Miss Wicker, the Wheatena tale retailers dig deep and widely in voice transitions. The effects are invariably good.

It all comes out of what Miss Gordon doesn't budge a bit from the old pattern. The stretches are long and highly repetitious, even for the kids. It's the customary thing all over with the deliciousness of the product, with attending sound effects such as the smacking of lips, and with the announcer, Henry Morgan, joining Miss Gordon in almost every refrain. The muscle-building angle will likely come later.

Letters are invited. Ode.

MALCOLM LAPRADE

With Lew White
Talk organ
15 Mins.
THOMAS COOK & SON
Sun, 5:30 p.m.

WJZ-NBC, New York
Wobrow (Wobrow & Bennett)

Malcolm LaPrade, Thomas Cook's chief p. a., is back for his 14th consecutive season to sell listeners on the musical and musical variety that is to be derived from foreign travel. LaPrade still waxes both poetical and philosophical with Lew White at the organ to help embroider some bits of macaroni music or give punctuation to LaPrade's paragraphs. This time the Sunday travelogue has a coast-to-coast hookup plus longwave re-broadcast in Hawaii.

In his opening broadcast (18) of the current season LaPrade made mention of the war and political situation in the Far East and Europe and assured those with 'money and time to travel' that things were not as threatening for them as they might seem. He said that they could still have a good time in Spain, parts of China and Palestine. His past highlighted the remarkable world tour of the S.S. Pan American and described the awe and beauty available at several of the slated stops in the ship's itinerary. LaPrade's caressing baritone has never been in better form. Ode.

'THE LITTLE SHAVER'

With Nicholas Rosse,
Thress, Michael Sage, Russell
Palmer, Paul Genge, Jerry Branner

15 Mins.
Sustaining
Mon, Wed, Fri, 4:45 p.m.
WMCA, New York

This three-a-week dramatic serial is typical. That is, it's melodramatic claptrap for the morons whose literary explorations are confined to the mezzos. Any fool who could find it convoluted would provide a field day for the psychiatrists, but there are a flock of similar shows across the major network board. They promulgate all soap, fast foods, beauty preparations and so on by the carload.

In any case 'The Little Shaver' is enough to give many the screaming fits.

Script is written by Henriette Goldstein and produced by Al Hall. Goldstein is the Nicholas Rosse as no spikka da English character, Frances Thress and Russell Palmer as the romantic interest, Michael Sage as the menace who will apparently turn out to be a hero in disguise; Paul Genge as a policeman, and Jerry Branner as announcer and scene-setter. It's all passably done. Hobe.

DEL COURTNEY'S ORCHESTRA

30 Mins., Local
Sustaining
Daily, 7:30 p.m.
WABX, Albany

Del Courtney is on the New Kenmore hotel's Rain Room, long a WGY wired spot for crack bands booked by the Murphy brothers. Present company is a small group of musicians riding on the NBC network late at night, but last week it started to skim over a quarter-hour block at 7:30 each evening.

Courtney's unit plays suavely and distinctively, with brasses muted. On the blocks heard, it essayed no combustible swing. Tantalizing rhubarb, however, was inched. An electric steel guitar is effectively used. Arrangements are good and ensemble work is up to the standards maintained by most bands networking in the area.

Courtney does much of his own announcing. Which is all right, since his voice and delivery are better suited to dance music than the station miker. Jacq.

Follow-Up Comment

A. L. Easterman, chief foreign correspondent of the London Daily Herald, gave a very down-to-earth picture of the situation in Tunis, center of conflict between Italy and France, on a CBS transatlantic from the French protectorate in North-west Africa. Easterman's authoritative reports of the racial, economic, cultural and military setup in Tunis also spoke well for the alertness of British Labor Party's organ in sending correspondents to places where international explosions are likely to occur. Most of the Tunisian stories recently appearing in American dailies have been dated from the ropan capitals. He detailed reasons why Mussolini will find Tunis a 'tough nut to crack,' from military angle.

Reception of Easterman's talk was a bit opaque.

Jack Haley's stint a week ago Friday over CBS brings up anew the sameness of the general pattern of the type shows. Most of the Blackett-Sample-Hummert nostrum shows, dramatic or musical-variety, have the same aura about them, the same formula, the same reliance on the theory that it stems from a common creative faculty. But the comedians, working for divers agencies and studios, seem likewise to have fallen into the one Jack Benny formula. Ad agency theory seemingly is that it's good enough for Jello's Crossley's okay by the Radio City bandstand. When the same, they are diminished to serve merely as musical stooges, backgrounding the commercial introduction of their cast. The same formula, the same reliance on the theory that it stems from a common creative faculty. But the comedians, working for divers agencies and studios, seem likewise to have fallen into the one Jack Benny formula. 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Impromptu Censorship

London, Dec. 20. BBC has a new way with offkey comics. It drowns em! In a variety broadcast from an outside theatre last week, well-known impersonator was holding the stage mimicking the celebs and not caring greatly about what got into the script. Result was many lines that would have got the blue pencil at the studio got clipped over. Program might have been faded out at this point, but BBC on-the-spot announcer got a brighter idea, and, sensing when the next crop of blue bags was coming, began speaking loudly into his prompt corner mike describing the mimic's makeup and many other irrelevant details. Comic's lines were completely covered, and only hint they must have been fruitless when theatre audience's laugh came across at the finish.

CFCF, Montreal, Protects Sponsor's Ideas at Cost of Old Account

Montreal, Dec. 20. Stand taken by radio station CFCF here in protecting originators of program ideas has resulted in switch of the Ogilvie Flour Mills program 'Barnacle Bill' away from this station after about two years. Salada Tea Co. started on station CFCF about 14 weeks ago with a free stamp offer which Ogilvie Flour decided to duplicate about three weeks ago.

Station held that while duplication of free offers fails to present any serious problems in newspaper advertising such duplication of giveaways in radio would lessen the effectiveness of the campaigns. Although Ogilvie Flour was a three-time weekly account of long standing as compared with the Salada Tea one-time weekly program which started only recently, the station considered itself obliged to adhere to the established policy of protection for sponsors who are first with program ideas.

Under the contract governing time purchases station CFCF therefore invoked the clause stating that 'When the program pattern has been agreed upon no change shall be made without consultation with the station.' Programs prepared by the advertiser are subject to the approval of the station management as to artists, program material and announcing. Since the introduction of a free stamp offer was considered a change in the original program Ogilvie Flour was advised that no such change could be made.

London Calling

George Formby got double grovel from BBC after an announcer broadcast a raw crack about the blueness of one of his discs, first in advance of a variety bill in which he played, then when offending announcer took another disc session.

Jefferson Farjeon's spine-chiller, 'No. 17', being aired in 10 parts as BBC chapter effort, with Leon M. Lion in the central part he created on West End stage.

Derek Oldham and Hella Toros to co-star in BBC production of little known Johann Straus operetta, 'The Queen's Lace Handkerchief.'

Joe Margatroyd, whose 15 minute turn of songs, jokes and exercises has been broadcast at 7.45 every morning from Radio Normandy, is now going on the air at 7 a.m. He's one of few 'in person' broadcasters.

Visio mobile unit to spend New Year's Eve in Grosvenor House to pick up midnight revels from the ballroom—latest television transmission yet undertaken.

Fairy Story (old fashioned kind) devised and produced by Radio department of Seward Baker & Co. will go on the air from Radio Normandy for Gibbs Dentifrice. Contract placed by Lintas, Ltd.

Payne-Jennings & Killick, operators of London theatre has gone on Radio Normandy with a series, 'West End Spotlights', containing excerpts from the chain's current productions. International Broadcasting Co. placed the business.

Macfadden's True Stories will use a series of dramatized announcements on Radio Normandy. They will be based on material in the mag's current issue. Erwin Wasey & Co. arranged.

MYSTERIOUS RAID

Nothing Apparently Touched at XEPN, Near Eagle Pass

Mexico City, Dec. 20. Screwiest and most mysterious raid ever made on a Mexican radio station was that in the small hours of the morning by two unidentified Americans, a pair of Mexican lawyers and a couple of Mexican cops on the XEPN studios at Piedras Negras, opposite Eagle Pass, Tex.

Raiders overpowered and disarmed the station's watchman, made a complete examination of the plant and left without harming the property.

Mexican authorities are investigating.

MEXICO DENIES JAP OVERTURE

Mexico City, Dec. 20. Japanese interests, reported to represent under-cover, the Tokyo government, are seeking location for a powerful short wave radio station on the Mexican Pacific coast. Understood the Japs desire to install the station on one of the several islands that dot the Pacific near the central Mexican west coast.

Mexican ministry of communications and public works, which has control of radio in this republic, says it knows nothing of the reported Nipponese dicker.

Lux French-language production entitled 'C'est La Vie' scheduled to start over station CBF and the regional CBC network, Jan. 6.

Produced by Paul L'Anglais, it's a half-hour stanza on the 8:30 to 9 p.m. period.

American Advertisers in Canada

DAY	TIME-P.M.	SHOW	SPONSOR	ESTIMATED WEEKLY COST
Sunday	6:00-6:30	Silver Theatre	International Silver Co.	\$629.78
Sunday	7:00-7:30	Jack Benny	General Foods Corp.	627.83
Sunday	8:00-9:00	Charlie McCarthy	Standard Brands, Inc.	1,224.41
Mon.-Thur.-Fri.	10:00-10:15*	Mrs. Wiggs of the Cabbage Patch	American Home Prod.	216.00
Mon.-Thur.-Fri.	10:15-10:30*	'John's Other Wife'	American Home Prod.	216.00
Mon.-Thur.-Fri.	10:30-10:45*	'Just Plain Bill'	American Home Prod.	216.00
Mon.-Thur.-Fri.	11:30-11:45	'Big Sister'	Lever Brothers	670.81
Mon.-Thur.-Fri.	11:45-12:00	'Getting the Most Out of Life'	Standard Brands	670.81
Mon.-Thur.-Fri.	3:00-4:00	'Story of M. Marli'	Procter & Gamble	2,683.25
Monday-Friday	6:45-7:00	'Ma Perkins'	Procter & Gamble	430.00
Monday-Friday	7:00-7:15	'Pepper Young's Family'	Procter & Gamble	430.00
Monday	8:00-8:30	'Guiding Light'	Procter & Gamble	129.60
Monday	8:30-9:00	Lowell Thomas	Sun Oil Company	129.60
Monday	9:00-10:00	Amos 'n' Andy	Campbell Soup Co.	1,280.85
Monday	10:00-10:30	Al Pearce and Gang	General Foods Corp.	628.58
Tuesday	8:00-8:30	Voice of Firestone	Firestone Tire & Rubber Co.	1,280.85
Tuesday	8:30-9:00	Lux Radio Theatre	Lever Brothers	1,280.85
Tuesday	9:00-9:30	Carnation Contented Hour	Carnation Co.	1,280.85
Wednesday	8:00-8:30	'Big Town'	Procter & Gamble	1,280.85
Thursday	9:00-10:00	Al Jolson	Lever Brothers	1,280.85
Friday	8:00-9:00	'Information, Please'	Canada Dry Ginger Ale	1,280.85
Friday	9:00-10:00	Sportlight Parade	Standard Brands	705.99
Friday	10:00-11:00	'One Man's Family'	Standard Brands	660.09
Friday	11:00-11:30	Good News of 1939	General Foods	1,203.60
Friday	11:30-12:00	Kraft Music Hall	Kraft-Phoenix Cheese Co.	1,203.60
Friday	12:00-1:00	Cities Service Concert	Cities Service Oil Co.	204.00
Friday	1:00-2:00	Campbell Playhouse	Campbell Soup Co.	1,280.85

* To Toronto only.

This total includes time only with all discounts allowed. No line charges are included.

CAN. STATIONS UNHAPPY AT GROWTH OF NETWORK FEEDS FROM THE U. S.

BERT AMBROSE-BBC CONTINUE FEUDING

London, Dec. 6. Spot of bother blew up over a wrangle between BBC and Bert Ambrose, due to latter being informed there were no dates for his hand to go on the air. Combination is rated one of foremost this side, so reason was made quite a mystery, with Corp.'s official attitude being the band was too costly to put on the air. Ambrose revealed he had received in the past was \$460 a broadcast, the same as awarded other bands, and that for this sum BBC obtained the services not only of himself and the band but a lineup of specialty talent which set him back personally over \$900 a week. The battle continues.

BBC WILL NOT TELEVIZE AT N. Y. EXPO

London, Dec. 10. Because cost would be too high is BBC's official reason for barring a display of visio apparatus from its exhibit at the New York World Fair next year. Factor, it was decided, left no justification for incurring such expense, to meet which U.K. listeners have to foot the bill. Corp. also points out that, even in 'home' expositions, it only shows off a modest display of its resources. Decision has met with some criticism this side on account of its being widely considered British visio is the world's best service and it would be an opportunity to boast.

Mexico Has 96 Airers

Mexico City, Dec. 20. Of Mexico's 101 licensed radio stations, 96 were in operation Dec. 1, announces the ministry of communications and public works which rules the air in this country. Eight of the stations are government or official organization owned.

Majority of the stations are in this sector or along the U. S. border—27 here and 39 up north. Most powerful station is XERA, 160,000 watts, operating capacity, at Villa Acuna, across from Eagle Pass, Tex.

Henry Ainley to lead as Jean Valjean in BBC serial version of Hugo's 'Les Miserables' from Jan. 8.

See Spot Biz Crimped—Procter & Gamble Gross Discount Between CBS and NBC Reported—Yanks Merely Act as Agents—Disclaim Control

When Canadian broadcasters begin marshalling their complaints it takes quite a while for the parade of grievances to pass a given point. Currently there is grumbling that two Procter & Gamble programs, one on Columbia for Chipso and one on the NBC blue for Oxydol are about to be fed by the American networks to the Canadian network (government-owned) at advertising rates based on the hour rate earned by P & G's 3-4 p.m. hour of 'Mary Martin', 'Ma Perkins', 'Pepper Young's Family' and 'Guiding Light' which now go to Canada through the NBC red.

Canadian broadcasters see in this new development a case of CBS giving a discount earned by NBC gross and contiguous biz. Columbia on its part, when queried by VARIETY, stated that as and when the Chipso account goes into Canada in January the regular quarter-hour rates will prevail for the Toronto and Montreal affiliates of Columbia and that if the rest of the stations on the Dominion network are bookkeeping to P & G in accord with a lower rate classification by virtue of the solid hour from the NBC red it's a freak situation beyond Columbia's control or proper concern. Both NBC and CBS get 15% for handling web feeds to Canada.

NBC on its part suggests that an advertiser 'once having qualified' for a certain rate is customarily entitled to enjoy that rate on all additional advertising. But NBC also stresses that it serves merely as a clearance agency for the Canadian web and has no control of price structure or other policies.

What the stations in Canada object to, as manifest in what articulate sentiment there is (and Canadian broadcasters are post-graduate hush-hushers) is a claimed readiness of the American networks to accord the government network privileges they would not give their own (American) affiliates.

Tale of Wees

Deep down under the surface of this newest incident is an accumulation of asserted woes and the fact that every new network invasion of Canada from American sources is seen as a loss of potential spot biz. Indie stations in Canada believe that the huge distances and waste spaces of the far-flung dominion make trans-continental (i.e. spot) radio the natural broadcasting method and the one that advertisers and agencies would use but for—the big rub—the CBC bargain basement policies coupled

with, most important of all, the aid and comfort rendered by the Yankee webs.

Private Enterprise

American networks meanwhile do not see that it is any responsibility of theirs to consider the cry that private enterprise in American broadcasting is helping the cause and the prestige of government ownership-operation in Canada to the possible gradual extermination, or at least the persistent annoyance, of the commercial stations.

An attitude of extreme bitterness toward Ottawa is apparently typical of the Canadian indies. There is a feeling that a combination of politics and publisher influence has gotten the indie broadcasters over a barrel. On the other hand almost no broadcaster dares to publicly say boo.

At the present time publisher fire against the Ottawa-network is apparently withheld on an understanding that revenue is not to go beyond a certain figure from American sources. Question of the figure and whether gross or net is somewhat vague.

NBC first entered Canada in 1930 (prior to the government setting up in radio) after Toronto business and public 'invited' the Americans in. NBC and CBS have always been loathe to seem as if they were commercially invading the dominion and then have affiliates only in the two big eastern markets, Toronto and Montreal. They regard their function as primarily a service to American advertisers.

Standard Brands Pulls 'Parade'; Protests Rules

Montreal, Dec. 20. Standard Brands pulled its 'Spotlight Parade' show today (20) from the Canadian Broadcasting Co. Program had been used to plug the combine's Magic Baking Powder. It is reported that this action was taken in protest against the government's censorship of the product's advertising copy.

'Spotlight Parade' was Standard Brands' lone Canadian originated show, the others coming out of the United States. Efforts to straighten out the controversy had been made by the local branch of the American Federation of Musicians so as to save the jobs of the 20 men on the program. Appeal had been made by the union to the Department of Health and Pensions at Ottawa.

NAZI GOAL FOR SETS IS 12,000,000 BY '39

Drive to provide German homes with radio receiving sets, through which Nazi-controlled broadcasts can be piped, is being augmented by a small, low-priced unit which has just been developed in that country, according to a report received last week from the Department of Commerce from the U. S. Commercial attache at Berlin.

Nazis are hoping to sell a million of the new sets during the current radio season, according to the report, thus boosting the number of registered receiving units in the country to 12,000,000. Average annual increase in the number of radio receiving sets in Germany from 1926 to 1932, approximated 418,000. Commerce Department was told, while efforts of the Nazi government to 'educate' population hoisted the yearly average to 956,000 from 1933 to 1938.

Noel Coward's 'Hay Fever' highlighting Christmas Day visio program.

Adv. Agencies' Statement

(Continued from page 23)

competitive situation existing among sponsors—the proposed minimum wage would increase the cost to \$48,000, or 400%.

Another program now costing \$1-100 a week for acting talent that is happily employed would be increased in cost 42%. In still another instance, three actors are employed on a dramatized commercial program at a pay rate of \$20 each for 15-minutes. The program is broadcast five times a week, making the total cost for talent \$300 a week, including the re-broadcast. Under the proposed minimum schedule, the cost with one hour rehearsal for each show would be \$31 instead of \$20 daily for each actor, or \$465 for the program weekly, a difference of \$165 weekly or \$6,500 a year. These are instances taken at random and may be regarded as average rather than unusual.

There would be less disposition to oppose increases if the average pay at present were low or moderate rather than on the liberal side, as the committee believes it is.

Legit Comparison

Pay for broadcasting is properly subject to comparison with the scale in the legitimate theatre, where a minimum of \$40 a week is in effect for 18 hours work weekly for actors. Yet on daytime five-a-week shows AFRA's proposal for broadcasting is a minimum of \$185 a week for 12 hours work. The broadcast artist would get more than four and a half times the theatrical minimum notwithstanding the fact that the theatre requires talent possessing visual dramatic ability as well as vocal appeal. Moreover, the theatrical actor is practically always confined to one production, whereas the radio artist may appear, and, some do, in a number of different weekly serial broadcasts. The scale of \$40 a week has proved to be successful in the theatre as a minimum for actors, because it is likely to become a maximum wage. There appears to be no danger of this since it has not occurred in the theatre.

Sponsors' Competition

Experience shows that the competition on the part of sponsors and agencies for skilled radio performers has kept the pay of radio artists at as high a level as exists in any other entertainment field. Doubtless there have been instances where advantage has been taken of radio artists in matters both of pay and rehearsal. These cases should be pre-empted and corrected. AFRA admits that in instances considered earlier, the objective was to bring the sub-standard situations to the general standard of the industry, where working conditions are good.

The position of the advertising agency with respect to the compensation to be paid to radio actors should be made clear. The advertising agency is not the party at interest. Aside from its interest in producing advertising that will produce results profitably, the agency's entire interest in this whole question is one of representing and protecting the interests of its client.

Creative Conditions

The agency has a responsibility to the artists—to see that they are paid fairly and that they work under management and conditions which will permit them to perform at their best. This is nothing more than sound policy. Radio, like other advertising, demands top quality performance for full effectiveness. Enthusiasm is essential. A dissatisfied cast is not likely to produce a program that will make friends and sell merchandise.

The agency also has a responsibility to the program sponsor, which is to protect him from excessive expenditure for talent which would place the cost of radio broadcast advertising out of line with the cost of advertising of other types. The question continually present is how the advertising dollar may be employed most effectively. The agency is not free to make its choices. It must weigh all the cost factors present in competitive situations and then recommend what experience and judgment dictates to be the sound and economical course to achieve the desired results.

One or two other features of AFRA's proposal should be men-

tioned. There is no provision for those who might be termed bit actors—who perform a trivial function in the program, limited, perhaps, to a few words. They would get the full minimum of \$185 weekly under the present demands. However, we believe AFRA recognizes the need for a special rate for bit players. Of greater importance from the standpoint of the radio audience, there is no provision for untested talent, such as is continually bidding for opportunity to demonstrate its ability. The sponsor would not be so likely to employ untested talent at the same wages for which he can obtain experienced talent, and the result would be that many of the very finest oncoming performers would have no opportunity to show their right to a place on the air. Novelty and freshness are exceedingly important elements in both advertising and entertainment. The tendency of this proposal is to exclude new, promising talent from the networks.

Another proposal of AFRA on which seems to the committee definitely undesirable is that during the 13 weeks of an engagement, talent cannot be eliminated even if it should prove incompetent or unsatisfactory.

The effect of provisions of the kind just referred to would be to solidify radio entertainment rather than to keep it fluid; to preserve the status quo, rather than to provide opportunity for new performers to develop; to give much work to a few, at excessively high total compensation, rather than to spread the employment among many at liberal but not prohibitively high rates of pay.

Members of the Committee feel from their own transactions with radio artists that the situation in the industry has been wholesome and that relationships have been generally satisfactory. They consented to meet with Federation representatives, in the first instance, with the hope and in the belief that the meetings might point the way to improving the situation in those exceptional cases where radio talent was being underpaid or otherwise exploited.

It seems to the Committee that the

AFRA representatives, in their later presentations, have to a considerable extent lost sight of the original purpose of the meetings, which was stated to be to eliminate abuses wherever they exist and to set up safeguards against the recurrence of those abuses. AFRA now seems more concerned with getting the union recognized, with establishment of a Guild shop for radio artists, and with the establishment of rates of pay and other conditions that in practice would ultimately be harmful to advertisers and radio artists alike.

Certainly the interests of those who work in radio cannot be advanced by killing radio advertising. And yet the demands of AFRA, if met, would add so greatly to the cost of radio, and would so increase the already-serious hazards to which radio advertising subjects the sponsor, that they would tend to discourage the use of it as an advertising medium.

Already the inflexibility of radio commitments constitutes a hazard which many advertisers are reluctant to assume: the 13 weeks' cycle, the problems of station booking, the difficulty of re-testing programs and other factors peculiar to radio.

If to these hazards is to be added a material increase in the cost of broadcast talent—such as is now proposed by the AFRA—radio advertising would be encumbered with another severe risk which unquestionably would be harmful to radio, as a medium, in its competition with other media.

The committee is entirely willing to continue its discussions in an effort to accomplish the original purpose of the meetings; namely, to bring about the correction of subnormal wage scales or any other abuses which may exist in working conditions in radio broadcasting. The committee believes that the discussions, to be fruitful, must proceed from the premise that anything that hurts radio advertising is hurtful to all the parties involved—and particularly to the radio artists, and that radio cannot continue to hold its competitive position if it is to be saddled with even greater burdens than those it now bears.

We are to meet with AFRA representatives on Thursday (22) in a further effort to solve these problems.

History. Aims of AFRA

American Federation of Radio Artists (AFRA) and its history and doings are thumbed below:

Organization and Start: In 1937 the AFRA was granted a charter by the Associated Actors and Artists of America (AAAA), the big, blanket theatrical union which in turn has a charter from the American Federation of Labor. To get AFRA on its feet several AAAA members loaned the newcomer a reputed \$30,000 or thereabouts. AFRA's president is Eddie Cantor, serving in that topnotch capacity from the start. Membership was last reported (formally) as upwards of 5,000 members.

AFRA aims. Purpose of the union is to bring all performers behind the mics (except musicians who already are AF of L members) into one union. 'Closed shop' aims are, however, denied. This is taken to mean that while AFRA wants all performers to belong, it will not exclude talent newcomers by membership refusals. The union also naturally wants to set minimum pay standards, etc.

Record to date. The AFRA has to date been active on three fronts:

(1) In June, 1938, the union concluded a pact with NBC and CBS covering sustaining program pay scales, rehearsal hours, overtime, and rebroadcasts. The terms of this pact went into effect in August, 1938, and remain thus for a period of two years. Meantime, AFRA signed a second pact with the networks regarding announcers. This also went into effect in August. However, CBS announcers belonging to the American Guild of Radio Announcers and Producers are exempt from the stipulations of the second pact.

(2) AFRA has locally sought agreements with radio stations. In St. Louis these tactics precipitated a scrap that finally wound up before the National Labor Relations Board in Washington. Shooting centered around the question of whether AFRA could bargain for announcers as well as actors, or whether each talent category should be treated individually. NLRB handed down a decision which is a virtual victory for AFRA. Board said that in the case of KMOX the AFRA will be agent for all talent. In the remaining three St. Louis stations elections for bargaining agent must be held within 30 days, but since AFRA will be on the ticket with much opposition, the elections are considered tantamount to a sweeping victory. That includes announcers, too.

(3) The AFRA is seeking to get union recognition and pay for performers on commercial network shows. To effect this aim, AFRA execs some time ago went to such agencies as Young & Rubicam, BBD&O, etc., and sought to bargain. The agencies referred the union to the American Association of Advertising Agencies. A meeting was held with that group, but the results were indecisive. The agencies claim that they can't sign an agreement for in accordance with decisions handed down on the social security matter; agencies are not employers. They are simply agents, while sponsors are the real employers. Meantime AFRA accuses the agencies of stalling, and got an additional \$5,500 loan from Actors' Equity (a sister union) for a war chest. The current statement (discussed in an adjoining column) has to do with the union's accusation of stall vs. the agency contention that agencies are not employers, though they wish to get the tangle straightened out.

Sponsors' position. AFRA's network sponsors—and their trade association, the Association of National Advertisers—have not formed any strong statements about the fray. They expect a ruckus, but are undoubtedly of the opinion that since sponsors are really part-time employers, they can hardly be expected to sign long-term union contracts. On one point, however, the sponsors feel very strongly. That is that the agencies should not sign for anything or dicker with the AFRA in a manner not having sponsor approval. Sponsors claim their money is at stake, and that they must be taken into account all around.

Sponsors—Agencies

How About Me?

Hollywood, Dec. 20.
Since last July, Lynn McManus has been turning out a complete script for an hour show every week. But none was ever used. They were intended as samples of programs for the Kellogg show and were ordered by John Reber, radio head of J. Walter Thompson, now that the program is being readied for its initial airing Jan. 15, George Faulkner will do the scripting.
McManus may help out along with his other contributions to Thompson shows.

COWBOY POET CLAIMS THE SWITCH

Los Angeles, Dec. 20.
Columbia Broadcasting, KFI and other NBC stations, were named defendants last week in two copyright infringement suits filed in Federal court. Austin Corcoran, known as 'the cowboy poet,' charges CBS and Willis Carter, billed on the air as Montana Slim, pilched his verse, 'Plain Bull,' and had it set to music until title of 'Ridin' a Maverick.' He asks \$75,000 from CBS and Carter, and \$100,000 from Montgomery Ward, the sponsor.

Earle C. Anthony station is alleged by Marion Davidson to have used her play, 'A Bit of Heaven,' without permission. She wants \$250 from each station on the NBC network which carried the program.

ATTENTION: C.A.B.

Salesman's Big Talk Triumphantly Vindicated on Sidewalk

Milwaukee, Dec. 20.
A radio time salesman who makes his own surveys 'right on the spot' and closes a sale thereby has been found at WTMJ. Grant Sandison was up against an infidel, as far as radio was concerned. But he clung tenaciously to the notion that WTMJ's 'Masters of Rhythm' was a good bet for Lawton's men's clothes.

When he revealed this conviction to Jack Lawton, manager, the latter yawned. Irked, Sandison boomed, 'All right, I'll just bet two out of the first four guys who come along listen to "Masters of Rhythm!"'

But quickly called, the two men stood on the corner in front of Lawton's store, where they buttonholed four pedestrians. All 'em responded right.

7 Phone Girls Handle Special KEX Program

Portland, Ore., Dec. 20.
Seven trunk telephone lines were installed into KEX studios for the 'Answer It Over the Air' quiz of the Fisher Flour Mills program. Seven telephone girls and two announcers on the program. Program is aired for 30 minutes every Wednesday night.

Benchley Time Switch?

There's talk about moving the Old Gold show with Bob Benchley and Artie Shaw to the 9 to 9.30 spot on CBS Saturday nights.

Program which now occupies the 10 to 10.30 slot on the same network Sundays will have the new Kellogg stanza as opposition starting Jan. 15.

WKRC Pair Transferred

Cincinnati, Dec. 20.
Ed Hamel and Bob DeHart, engineers, leave WKRC to join WBMM, Chicago, and WEEI, Boston, respectively, Jan. 1.

Notified Friday (16) by William A. Schudt, Jr., station manager, upon his return from a week's visit to CBS headquarters in New York.

WHO, Des Moines

Miles Laboratories, Elkhart, Ind., beginning Nov. 21 for 52 periods of five minutes each, through Wade Advertising agency, Chicago.

Sam Morris (Voice of Temperance) Del Rio, Texas, beginning Dec. 5 for one 15-minute period. Direct.

Associated Hardware Wholesalers, beginning Jan. 2 for 312 periods of 15 minutes each, renewal through R. J. Potts & Co., Kansas City, Mo.

Hoxie Fruit Co., Des Moines, beginning Jan. 2 for 312 periods of 15 minutes each. (Hoxie Fruit Reporter) through R. J. Potts & Co., Kansas City.

Western Greer Co. (Jack Sprat Food Stores) Marshalltown, Iowa, beginning Jan. 2 for 312 periods of 15 minutes each (Jack Sprat News Reporter) through Coolidge, Des Moines.

American Pop Corn Co. (Jolly Time) Sioux City, Iowa, beginning Dec. 3 for one announcement of 100 or 65 words per week, t.f. through Codge Advertising Co., Des Moines.

Chrysler Corp. (Dodge) beginning Dec. 26 for five announcements of one minute each. Staggered schedule, through Ruthrauff & Ryan, New York City.

Vocational Service, Chicago (Mechanic training) beginning Dec. 6 for three periods of ten minutes each (Lou and Jerry) through Critchfield & Co., Chicago.

Monticello Drug Co., Jacksonville, Fla. (688 cold remedies), beginning Dec. 7 for 26 announcements of 65 words each. Direct.

Hotel Radisson, Minneapolis, beginning Dec. 9 for 14 announcements of 65 words each, four per week, through Graves & Associates, Minneapolis.

Acme Feeds, Inc., Forest Park, Ill., beginning Dec. 16 for two announcements of 200 words each per week t.f. through K. E. Shepard Advertising Co., Chicago.

WWJ, Detroit

Harry Sufin, renewal, 'Sportfolio,' 15 mins., Sundays, for 13 weeks. Packard & Neff agency.

Beatrice Creamery Co., new, 'The Meadow Gold Round Up,' with Francis X. Bushman, 30 mins., weekly, renewal, for 26 weeks. Lord & Thomas.

Flux Co., new, spot announcements on cough syrup, twice a day, five days weekly for 26 weeks. Russell M. Seeds.

Peter Paul, Inc., renewal, recorded spot announcements with Edwin C. Hill for 'Mound candy bars,' for 13 weeks. Through Platt-Fordes, Inc.

Richman Brothers Co., new, spot announcements daily, five days weekly, for eight weeks. Through McCann-Erickson, Inc.

Seeds Agency Gets New Slice of Tobacco Act.

Chicago, Dec. 20.
Russell M. Seed agency here takes over another portion of the Brown & Williamson tobacco account when it starts a new show for B-W Big Ben pipe tobacco product on New Year's eve.

As a starter will get away on WLW, Cincinnati, for a 30-minute weekly program called 'The Uncle Ben Doghouse,' a music and comedy period aimed almost solely for male listeners. Later the show will go onto a coast-to-coast web.

Cherniavsky's New One

Cincinnati, Dec. 20.
'My Lucky Break,' title of a new musical and dramatic series designed and directed by Josef Cherniavsky, will bow on WLW Jan. 1 as a regular Sunday 6 to 6.30 p.m. feature. Show is to feature turning points in lives of prominent Americans.

NEW PEOPLE AT WOWO

Fort Wayne, Dec. 20.
Several staff changes have been made at Westinghouse radio stations WOWO and WGL. Charles Roe comes from KDKA, Pittsburgh, as production manager of WGL. Eldon Campbell, Dick Faler and Joe Roehling are new additions to announcing staff.

Margaret Guillinguer succeeds Dorothy Moeller, who was married Dec. 10. Terry Evans is also new.

Helen Graham, Joe Trimm and Roy Field added to artist staff for 'Morning Ro-dup.'

DOGHOUSE FOR LAGGARDS

'FORGETTING TO FILE' SCORED

FCC Burned Up Over Casual Broadcasters Who File for Renewals Either Late, Sloppily or Not at All

WILL PUNISH

Washington, Dec. 20.

Stern disciplinary action against industry slow-pokes who take their time about requesting renewal licenses was threatened by the FCC last week. Result of increasing laxity that has clogged the administrative machinery.

In a general ultimatum made more effective by finger-pointing at certain offenders, the regulators said they 'will insist upon strict adherence' to the requirement that applications must be submitted not less than 60 days before current papers expire and that operators who do not file the requests by the end of the license period will be taken off the air. From now on, the Commish will not prod the laggards, but, on the contrary, will expect the industry to assume full responsibility for complying with red tape.

While industry representatives maintained the FCC dictum was an unwarranted smirch, the Commish instructed its staff to notify all licensees that it is through being sympathetic to stallers and declared that 'in many instances stations have filed applications late and in a few the Commission has failed to receive any application.'

Dog-house

In the future, whenever the papers are received after the 60-day deadline, the Commish will issue only a temporary extension of license upon expiration of the effective ticket. Reason will be published, thus establishing an official dog-house for operators whose deportment is bad. Calling attention to the rules, the Commish announced it believes that temporary extensions to licensees who fail to get applications in on time 'are unwarranted and may not be legally granted where no application has been filed.'

The chiding also touched on sloppiness on the part of stations which do observe the requirements. Care must be exercised in filling out the proper forms and errors may lead to a spanking. Regulators said they have found that where mistakes occur in one request for a renewal the same error is likely to be repeated on many subsequent occasions. Result is the Commish must keep on returning the papers or writing the management to get the necessary correction, a process which 'often necessitates the granting of temporary extensions' during the time taken to get matters straightened out.

In laying down the course of conduct, the Commish at the same time warned holders of special authorization permits—allowing operation different from the regular assignment—they must make regular six-month applications as though they were functioning in accordance with the official grant. In conjunction with

Easier to Heckle

Cincinnati, Dec. 20.

Next meeting of the Big 10 football conference will consider a proposal by Allen Stout, WKRC sports spieler. It's that gridiron officials wear numbers on the fronts and backs of their blouses.

For identifications when they make decisions.

the routine request, such operators should submit an amendment which explains the actual operation under the special privileges and if the latter needs official renewal the necessary papers should be attached.

First woodshedding was given to eight stations in widely-separated locations. Making good its threats,

the Commish said the following transmitters at the moment are delinquent in filing renewal applications: KUSD, Vermilion, S. D.; WCBS, Springfield, Ill.; WIRE, Indianapolis (for auxiliary plant); WQBC, Vicksburg, Miss.; WKAT, Miami Beach; KODM, Stockton, Calif.; KIEV, Glendale, Calif.; and WDW, Tuscola, Ill.

ROYAL CROWN UP AGAIN

B. B. D. & O. Scouts Radio Program for Nehi's Return

B. B. D. & O., which recently got the Royal Crown Coca Cola (Nehi, Inc.) account away from the James A. Greene agency, is scouting around for a program that will bring the soft drink bottler back on the air. Nehi's last flir in radio was a

A Myth?

Chicago, Dec. 20.

After three months of angling and chatting no agency has yet been able to land the Chamberlain cosmetic account of Des Moines.

Agency men around Chicago are beginning to believe that the entire info about Chamberlain looking for a new advertising agency is just some propaganda on the part of Des Moines hotels and Iowa railroads.

half-hour show on the NBC-blue (WJZ) with George Olson and Tim and Irene. It started in March, 1938, and ran 26 weeks.

EX-KELLOGGERS TEAMED AGAIN

Philadelphia, Dec. 20.

William Campbell, formerly of the N. W. Ayer and Son research department, has been named head of a crew of ex-Ayer employees running a campaign for the City Charter Committee, to sell Philly voters a new basic set-up. All of the former Ayer people were recently released by the agency when it lost the Kellogg account to J. Walter Thompson. They were placed in the new spot with the aid of Clarence Jordan, Ayer v.p., who is active on the Charter Committee.

THE PLAY'S THE THING



THE formula used by the Nation's Station to produce successful dramatic shows is very simple.

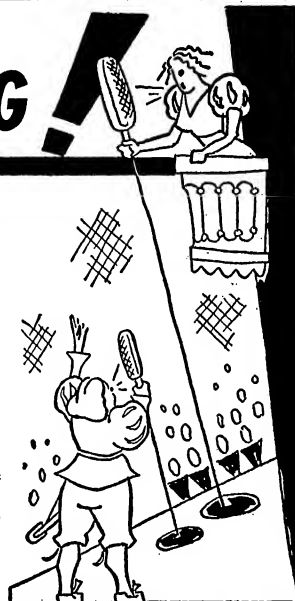
We are not trying to impress ourselves with colossal productions, nor to build dramatic programs to amuse our talent. We build them for our millions of consumer listeners.

We accomplish our objective through these means:

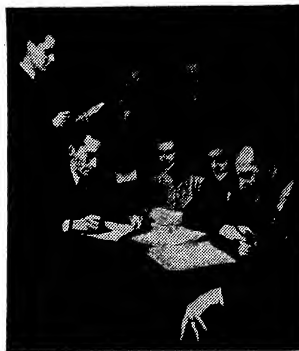
1. The most versatile and best balanced dramatic stock company possible.
2. Trained free-lance talent available when new voices and personalities are required.
3. A production staff composed of men who have many years of stage, as well as radio experience back of them, to direct our dramatic productions.
4. Carefully chosen writers skilled in preparing all types of dramatic scripts.
5. Constant experiments in engineering and sound effects to create more effective dramatic productions.
6. Coordination of all departments to keep production "in the groove" from idea to microphone.

These things, we believe, make WLW particularly adaptable to build and successfully sustain dramatic shows that command listener interest.

Owen Vinson
WLW Program Director.



PAULINE HOPKINS, (above, left) author of "The Mad Hatterfields" and "Midstream", WLW's two outstanding script shows, discusses a scene with Mama Hatterfield (Bess McCammon) and Nicki Powers (Duane Snodgrass). Rikel Kent (lower, center), ace WLW Production Man, goes over a "Midstream" script with part of the cast including Wilda Hinkle, James Leonard, announcer, Jack Marks, Mary Jane Croft and Lon Clark. WLW includes 50 members in its staff and spot dramatic department.



"THE MAD HATTERFIELD" cast, (above, center) go over a script with W. Ray Wilson, production man. Selective casting combined with careful rehearsing makes "The Mad Hatterfields" one of radio's most delightful script shows. (Above, right) Rolly Hatterfield (William Green) and Caleb, the family butler (Harry Cansdale). Other current outstanding WLW dramatic productions include Dr. Kenrad Unsolved Mysteries, The Nation's Playhouse, and True Detective Mysteries.



These things too, we think, are part of the story of WLW

Kopf Sales Chief of NBC, Chicago; Carpenter Assigned to Blue Net

Chicago, Dec. 20. Harry Kopf has been named sales chieftain of the entire central division of NBC, replacing Kenneth Carpenter who has been sales manager here since 1932. Carpenter shifts over as sales head strictly of the blue web here and will devote all his time to the build-up on business on the indigo chain.

Kopf has been with NBC here since 1931, joining as a salesman and

coming from the Literary Digest ad sales staff.

Alec Robb, head of NBC artists service in Chicago, has been transferred to the Coast in a similar capacity. He succeeds Dama Harshbarger, resigned. Robb is already on the ground revamping the setup.

Don Gilman's Statement

Hollywood, Dec. 20. Whatever changes NBC Frexy Lenox Low had in mind for the network's divisional heads has been indefinitely deferred, it was said last week by Don Gilman, western division chief, upon his return from home office confabs. Reports had Gilman transferred to the central division after first of the year, with Sidney Strotz taking the Hollywood post.

Gilman had opposed the change.

NO LIBEL DISMISSAL FOR DIAMOND SALT

Appellate Division on Friday (16) affirmed decision of N. Y. Supreme Court Justice Hammer denying dismissal of the \$100,000 libel suit brought by Ernest A. Arnold and Walter Frese, of the firm of Arnold & Frese, security dealers, against Benton & Bowles, ad agents, General Foods Corp. and NBC.

Plaintiffs claim they were slandered in a broadcast of Diamond Crystal Salt series over Station WJZ on Nov. 7, 1937.

Ex-CBS Both Ways

San Francisco, Dec. 20. Spelling bee sponsored by the Marney Food Co. shifts from KSF to KFO starting Dec. 30 with Tom Breneman continuing as emcee and producer of the half-hour weekly audience-participation show. Breneman recently resigned as program manager for CBS in San Francisco to join the staff of the Long Advertising Service, which handles the Marney account.

Product plugged is Marco Cat & Dog food. Contestants for the spelling matches are picked by a speedy elimination process from among volunteers in the studio audience.

Joey Faye Heard at WOR

Joey Faye, burlesque comic, reported to station WOR, New York, yesterday (Tuesday) for an audition. Phil Silvers has already been heard and is awaiting verdict.

Faye was first asked up to station last week but never showed up. He later went into legit 'Sing Out the News'. Two weeks ago VARIETY carried story about Silvers and Faye being asked up at different times. Story was read by Faye who then remembered the invite, he told station execs.

Musical show closed for two weeks over Xmas slump, so Faye is using time off to advantage.

CHARLIE KERR LEAVES BIZ

Philadelphia, Dec. 20. Charlie Kerr, w.k. Philly batoneer, whose band in 1922 was first in America to play a remote, gave up tooting last week to take over post of manager of the musical instruments department at Gimbel Bros.

Veteran of the air, Kerr made the initial nemo from the Cafe L'Aiglon, now shuttered, over WIP-WFAN, now WIP.

Elmer Vincent, NBC's 'Senator Fishface' in Seattle to visit his brother. He was made p.a. at Palomar vaudeville house, week (19) before his return southward.

Shouse's 21 Trips

Cincinnati, Dec. 20. James D. Shouse, general manager of the Crosley broadcast division, made 21 round trips between here and Washington this year on FCC matters pertaining to WLW and WSAI. Thought to be a record.

SETTLE 2 CASES ON THEFT OF AIR IDEAS

Two similar suits involving claims of property right for original ideas were decided in New York last week. While neither involved any new legal ruling, fact that two such actions were settled within a few days called attention to the recent increase in claims of that kind. Most such cases involve radio or advertising ideas.

One case, brought in New York supreme court by Nevill E. O'Neill, copy writer, against the Arthur Kudner agency, was reported to have been settled for \$10,000. Plaintiff claimed he had originated the phrase, 'G. M. Means Good Measure,' used by General Motors, through the Kudner agency. Defense argued that 'good measure' was as 'old as the Bible.'

O'Neill countered with the statement that the idea had been suggested to him in a quotation from the text of St. Matthew. He admitted there was nothing new in the expression, 'good for the measure,' but argued that its application for the General Motors slogan was 'unique and original' within the meaning of the Healy vs. R. H. Macy case, which is generally taken as precedent in such cases. O'Neill had sued for \$250,000 damages and \$20,000 in commissions. It was brought out in the hearing that Kudner had paid O'Neill \$100 for a release of the claim, but the plaintiff charged it was obtained through misrepresentation.

Other idea claim was brought by Manuel G. Rodriguez against Western Union and resulted in a jury verdict of \$6,000 for the plaintiff. He had sued for \$150,000. Defendant plans to appeal. Rodriguez claimed to have suggested the idea of 'travelgrams' to the company, but was told there was 'no field for it.' Later he submitted it to Postal Telegraph, and when both companies began using a similar idea he brought suit.

Case against Postal was settled, but Western Union fought it on the ground that its 'tourate' telegrams had been suggested by one of its operators, John Alpelquist, of Madison, Wis. It was disclosed at the hearings that the company sent out about 400,000 'tourate' messages monthly, between 1925 and 1927, at a rate of 35c for 15 words. John O'Shannessy, formerly secretary of the American Association of Advertising Agencies, as an 'expert' witness for the plaintiff, testified that the past and future revenue from 'tourate' messages would probably bring Western Union about \$240,000, of which Rodriguez should be entitled to about 2%.

ALL-MELODY POLICY XMAS AT WNEU, N. Y.

Revising its schedule for Christmas and New Year's Eves, WNEU, N. Y., will air 17 solid hours of music on both days. Then only by necessary news flashes, etc., aggregating an hour. Programs will start at 3 p.m. and run until 7 a.m. following morning when Stan Shaw, conductor of the Milkman's Matinee, fades from the mike.

To further the holiday spirit and maintain as much melody as possible, all commercials will be cut to the bone and Shaw will eliminate all his chatter from the owl session.

WEDLOCK, SNYDER WEST

Chicago, Dec. 20. Hugh Wedlock, Jr., and Howard Snyder are working up their comedy writing assignment in the Billy House show for Wrigley's this week and will hop back to their home stamping grounds in Hollywood. May go with Bob Hope.

No. 2 Refugee Air Show

Another refugee radio program will be aired over WMCA, New York, by Horowitz & Margaret, foodstuff dealers. It's the first to be sponsored. Starting Dec. 28, program will consist of dramatized adventures of Jewish refugees and will be called Jewish Refugee Theatre of the Air. Signed for 14 weeks through Advertising Broadcasters, Inc.

Program headed by Alexander Granach, German Shakespearean actor, and will include Mme. Gisela Werberzik and Hans Heinz as permanent members of the company. Other members of the cast will change weekly. Entire show will be in English.

This is No. 2 Refugee radio program. WJEN debuted its show three weeks ago.

CIVIL SERVICE OKAY FOR FCC DISMISSALS

Washington, Dec. 20. Execution of three FCC officials without hearing or formal charges was rubber-stamped last week by the Civil Service Commission which found no violations of the merit principle in the controversial discharges that climaxed the recent personnel purge. Approval was given to the orders by which Chief Examiner Davis G. Arnold, Deputy Chief Examiner Melvin H. Dalberg, and Press Chief G. Franklin Wisner were dropped from the payroll.

Technical abolition of jobs in an asserted attempt to increase efficiency was upheld following an investigation in which the three victims were given a chance to tell their stories. Report from the C. S. C. Classification Division was the basis for the final decision which ends any prospect the three might get back into harness or have the satisfaction of resigning voluntarily. The guardians of the merit theory said they had not discovered any infractions of the rules which would compel them to 'withhold approval' of the formal execution papers.

Powel Crosley as Santa

Cincinnati, Dec. 20. Powell Crosley, Jr., will play Santa Claus to his 3,000 employees at a Christmas party in Music Hall Thursday (22) night, with members of their families as guests. Talent from the WLW and WSAI staffs will do the entertaining.

Bulk of the personnel is from the firm's electric appliance manufacturing division.

Foodstuffs to be given poor families for Christmas will be the admission fee for WLW's Boone County Jamboree audience show Friday (23) in Music Hall. Distribution through charitable agencies.

3 Extend on Mutual

'People's Rally' for Mennen on WOR-Mutual renewed as of Jan. 15 for 13 weeks. Option on Bob Hawk, program conductor, was picked up for one year. H. M. Kiesewetter is agency.

Bayuk Cigars 'Inside Sports' also renewed on Mutual for 13 weeks starting Dec. 28 through Ivey & Ellington agency.

Famous Jury Trials' Mutual coop show, added stations KFEL, Denver; WHKC, Columbus, O.; and KVEC, San Luis Obispo, Cal., with local sponsors.

MARXES JOIN GRANT, LOMBARD ON KELLOGG

Hollywood, Dec. 20. Promised galaxy of star names on new Kellogg show was made a triumvirate last week with the signing of the Marx Bros. Previously set were Carole Lombard and Cary Grant.

Hour program which shoves off Jan. 15 will be produced by Tony Stanford. Bobby Dolan has the music assignment.

Wen Niles collaborating with Don Prindle on Joe Penner's scripts.

LOUIS ARMSTRONG

And His ORCHESTRA
Featuring
MIDGE WILLIAMS
SONNY WOODS

APOLLO
NEW YORK
Week Dec. 28

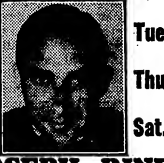
Management
JOE GLASER, Inc.
RKO Bldg., Radio City, New York

Sorry I don't see you anymore—
But Here's Wishing
YOU
a Merry Xmas and
a Happy New Year
HERSCHELL HART




CHEZ PAREE, CHICAGO
Mgt.: LOU CLAYTON

N B C



JOSEPH RINES
And His Orchestra
HARRY RICHMAN'S
ROAD TO MANDALAY
WILLIAM MORRIS AGENCY

Tues.
Thurs.
Sat.



ARTISTS Management

presents
A MERRY MUSICAL CHRISTMAS NIGHT
SUN. DEC. 25 at 8:30 P.M.

PAUL WHITEMAN

And His ALL AMERICAN BAND
in a **JAZZ CONCERT**
(An Experiment in Modern American Music)
100—ARTISTS—100

DEEMS TAYLOR, Commentator

GUEST ARTISTS—
LOUIS ARMSTRONG
ART SHAW
RAYMOND SCOTT
Quintette
Rosa Linda
Roy Bargy
Lyn Murray Singers

COMPOSERS
Roy BARGY, Duke ELLINGTON
George GERSHWIN, Maxine GOULD
Ferde GROFE, Walter GROSS
Richard RODGERS, Raymond SCOTT
Art SHAW, Bert SHEFFER
Nathan VAN CLEVE, Fred VAN EPPS

This concert will not be broadcast

PRICES
55c " **\$3.30**

ORCHESTRA 3.30
DRESS CIRCLE 1.65-2.25
BALCONY .55-1.00
BOXES (if 2) \$3.50-\$5.00 EX. SEAT
All Seats Reserved

CARNEGIE HALL
57th St. & 7th Ave.

Seats Now on Sale at Carnegie Hall and Artists' Management

17 E. 45th ST. N.Y.C.
MU. 2-1888

HARRY SOSNIK...

... MUSICAL DIRECTOR ...

CHARLES BOYER—WOODBURY PLAYHOUSE

(ORIGINAL SCORE)
Sundays—9 P.M. EST—**NBC**

JOE E. BROWN—POST TOASTIES

Saturdays—7:30 P.M. EST.—**CBS**
MANAGEMENT MCA

'THE O'NEILLS'

By JANE WEST

NOW RADIO'S MOST POPULAR
FAMILY BRINGS YOU MORE
LAUGHTER TEARS AND HEART-THROBS

Presented by Ivory Soap 99% Pure

LISTEN TWICE DAILY
NBC Red Network, 12:15 to 12:30 P.M. EST
CBS - WABC - 2:15 to 2:30 P.M. EST

IN COAST TO COAST

Dir. COMPTON ADVERTISING AGENCY
MGT., ED WOLF—RKO BLDG. NEW YORK CITY

Recommends WFBR Get Echo

Tyler Disregards Squawk of WFMD, Frederick, Md.—No Night Service Now

Baltimore, Dec. 20.

Booster station theory received endorsement last week in the form of a report by Examiner Tyler Berry advising the FCC that research would be promoted if WFBR, Baltimore, were permitted to build a low-powered sounding board at Frederick, 45 air-miles distant. While the regulators have adopted a policy of extreme caution, the evidence offered by WFBR convinced Berry that advantages from proposed experimental operation outweigh the possible adverse results.

Scheme is part of a general expansion of the Baltimore transmitter which currently is building a new plant which will operate with 1 kw nights and 5 kw days. Present assignment is 1 kw—500 watts. Objective is to hit the rural and agricultural audience in the western part of the state where reception is poor and a partial radio desert exists. Only station in town is WFMD, a daytime 500 watt, and there is no primary service of any sort after dark. Some coverage by Washington, D. C., outlets and WFAL in Baltimore, but not very strong signals.

Won't Solicit Ads

Objections of WFMD operators were over-ruled by Berry, who agreed there is possibility of economic injury to the present Frederick station, but said there is no basis for determining how serious it will be and that theoretical fear is not sufficient reason for denying the booster station request. No commercial advertising will be solicited in Frederick for the WFBR echo, although the booster will naturally ex-

Hedges Slaps Mutual

Washington, Dec. 20.

Life was injected into the drone of testimony at the FCC 'monotony hearings' last week when William S. Hedges, NBC v.p., engaged in name-calling.

'Faithless' affiliates were under attack when drowsing spectators were shocked into attention by Hedges' characterization of Mutual as a 'parasite.' Complaining about NBC members who disregard contract clause prohibiting link with rival network which has an outlet in a city of 1,000,000 or more population, Indictment named WFIL, Philadelphia, and WLW, Cincinnati.

Blast at MBS was erased from the record over the objections of Philip J. Hennessy, NBC counsel. Commish granted motion to strike the parasite remark.

pand the master transmitter's audience.

Angles which impressed Berry had to do with engineering problems. At present WFBR does not serve Frederick and even with its higher wattage will not put much of a signal into the Western Maryland community. Particular need for data on actual interference in area where the synchronous stations both can be heard. Determination of the extent of the region where overlapping disrupts reception and the need for facts about the actual ratio of desired to undesired signal warrant granting the plea, Berry concluded, saying 'information thus obtained would be of general application and would constitute some contribution to the advancement of the radio art.'

KOIL Basic Columbia; WBRY Into New Haven

CBS last week formally announced to the trade the addition of KOIL, Omaha, to the basic network as of April 30, 1939, and at the same time issued its first rate card for the system's New England network. The regional now includes WBRY, New Haven-Waterbury, which becomes available also as a basic supplementary station.

NBC hasn't decided on the substitution for KOIL in the blue basic.

Waterbury, Conn., Dec. 20.

WBRY begins campaign to build up New Haven audience, in which CBS is primarily interested. Station Manager E. J. Frey has assigned David Hale Halpern to promote New Haven end. Jack Henry, formerly in N. H., replaces Halpern as program director.

CBS okay to WBRY did not become formal until sanctioned by Franklin M. Doolittle, owner of WDRG, Hartford's Columbia basic outlet.

HEDGES ON FCC STAND RAPS DISLOYAL AFFILIATES; MONOTONY TAKES HOLIDAY

Frank Mason Files Data on Network's International Activities—Still Pretty Dull at Hearings

Washington, Dec. 20.

Tight web curbs on the activities of affiliates were defended as economic insurance last week during the soporific FCC chain-monopoly hearing at which NBC pointed with pride to its shortwave service to international audience. Activities recess this week for the holiday season, with the first installment nearing its end. Trying to finish the NBC testimony before the suspension occurs Wednesday (today).

Restrictions on the freedom of station managers in the medium of 'firm contracts' which have been the fashion since 1935 are imperative to guarantee the web can 'deliver' the outlets desired by sponsors, William S. Hedges, vice-pres in charge of station relations, explained under cross-questioning by William J. Dempsey and Theodore Pearson, Commish attorneys. Prospective sales fizzled before the new agreements were adopted because of uncertainty about the ability of certain affiliates to schedule the programs. Refusal of individual stations to carry certain accounts wrought injury to the whole web.

Network programming necessitates rigid and positive arrangements and cannot be handled as quickly and easily as local planning on a single station, Hedges emphasized. Particular outlets can switch their own features to fill the blank spots but the web must know in advance what time is available before trying to sign up sponsors. Point is beginning to be appreciated by public figures who have occasion to use radio, he observed, pointing out that the White House requests for accommodations for talks by the President generally are for periods which will cause the 'minimum disturbance to network commercial schedules.'

By tying up certain blocks of time on affiliates, the chains do not discourage local service, the web exec contended. Right to turn down sustainers is bulwarked by arrangements under which the outlets are allocated various portions of the broadcasting day for their own exclusive use.

Experience has dictated some modifications in the standard contract form since 1935, Hedges revealed. Instead of having the pacts run for an indefinite span subject to cancellation on one-year notice, the web usually signs up for a specific period, up to five years, under the present policy. Another modification limits use of NBC programs, barring rebroadcasting or recording of chain material without permission. If outlets 'could play fast and loose with our programs,' NBC would have no reason to provide sustaining service, Hedges remarked.

Exclusivity

Exclusive service clause—which has occasioned some criticism from the Commish in recent months—is another variation which was found necessary to meet particular problems. Although NBC welcomes competition, it has been forced to take the position that affiliates must tie up with one chain or another. Restrictive clause is intended to prevent rivals from capitalizing on prestige and listener good will generated with NBC programs. Few instances where NBC affiliates have joined hands simultaneously with other webs do not have the network headquarters' approval, he said, although the chain does not object to connections between its outlets, and regional groups.

Mason on Stand

Foreign listeners are bombarded by NBC more than by the transmitters of any major nation, Frank E. Mason, v. p. in charge of international operations, declared. Shortwaves operate 63 hours weekly for the benefit of South Americans and provide better service than any other country by building the programs in the language of the prospective auditors. Testimony, bolstered by exhibits of public programs of Germany, England, France, Italy, Holland and Japan, indicated there is no reason for panic about foreigners seducing the South Americans with radio propaganda.

In contrast to the practice of most

other broadcasters in the international field, NBC uses the language spoken in the countries to which the programs are aimed and does not seek merely to entertain or inform U. S. emigres. Most of the Europeans send out multi-lingual programs, which NBC regards as impracticable, he explained.

Data showed NBC functioned seven more hours weekly for the benefit of Latin-American listeners than German stations. Operations greatly exceeded those of other nations, since Italy broadcasts on the average only 9 hours 55 minutes to Latin America, England 18 hours, 40 minutes; Japan, 7 hours; Holland, 4 hours; and France, 33 hours, 15 minutes. Biggest chunk of time goes for news broadcasts, with NBC devoting seven hours weekly to reporting in Spanish and three and one-half hours to Portuguese information. Of the total activities, NBC conducts 42 hours weekly in Spanish and 14 in Portuguese, with only seven hours in English. Showing the policy contrast, Mason testified Germany shoots programs to Latin American in Deutsch tongue 29 hours, 45 minutes; France in French, 21 hours, 35 min-

utes, and England in English, 15 hours, 10 minutes.

Although chief emphasis is placed on Latin American operations, NBC also fires considerable entertainment and propaganda at Europe. Average operation for the transatlantic Trade is 49 hours a week, of which 28 hours are in English, and seven each in French, German and Italian. One exhibit showed NBC's international outlets during November presented 1,362 programs for foreign listeners, of which 1,013 were special productions emitted only via short-wave. News programs consumed 23.9% of the total time, with the battery operating 16 hours daily.

Use of recordings is important in the international activities, Mason declared. Little purpose in breaking into a Spanish program to carry some talk in English which is lifted from the U. S. network or in putting on spot programs at hours when Europeans are asleep. Consequently, many regular features for domestic consumption are canned or translated and sent out at more appropriate times.

Lee McLendon has been named chief of continuity staff of KOIL, Omaha, succeeding Bob Browne, who resigned. McLendon, only recently joined KOIL, coming from KWKH, Shreveport, La.

WELL—NOT BAD



Checking back over the year, it is difficult to clock off accurately, which, among the many incidents, are now worth mentioning. Among them, rather prominently, perhaps, are the 1,000,000 listeners who wrote us letters within the twelve-month—not to mention the thousands who kept the mailmen running directly to our sponsors. Further back still, helping to send 25,000 people into the stores of a certain local advertiser seems to have been mislaid until this moment. Among the other unrelated things floating in our memory, we remember a little WOR persuasion pulling requests from such states as—Texas, Oklahoma, Colorado and about thirty others. This still puzzles us; but not particularly. It's cheering to know that 73% of our sponsors can be found listed among the country's largest national advertisers. We also remember having 117 sponsors in March of the year. Everything now points to closing the season with maybe 200. Good? Well—not bad.

WOR

5,000 Watts Day 1,000 Night.

ALL YOU NEED IN CENTRAL OHIO

CBS

won't

Columbus, Ohio

John Blair, Rep.

WBAL

means business in Baltimore

Wishing you a very Merry Xmas and a

Happy

New Year

Affiliated with Loew's Theatres and the Metro-Goldwyn-Mayer Studios

1540 Broadway, New York City

NATIONAL SALES REPRESENTATIVES

EDWARD PETRY & CO., INC.

COLLEGE RHYTHM

The seventh of a series of articles on collegiate likes and dislikes as regards dance music and dance bands.

The writers, staff members of publications at their respective schools, have been asked by VARIETY to give the opinion of the student body as a whole rather than pass personal judgment. Neither has VARIETY given further instructions as to what was to be said or how. These articles appear as the undergraduates have written them, with the expressed opinions being their own.

VARIETY publishes the series to give music men and band leaders a cross-section of current undergraduate opinion on dance music and bands, with the hope that it will be both informative and instructive. For what the college group has to say about dance music is deemed important in the trade.

NORTHWESTERN

By (Miss) Bobette Kobey, '39
(Northwestern 'Purple Parrot')

Northwestern is a funny school. It has one rule of conduct that covers everything from chess to football games to reciting in class. This rule which lays an Italian-banned hand on everything from clothes to dancing is: Thou shalt be smooth.

God may come down from His heaven and President Walter Dil Scott may do a fan dance on the meadow, but a Northwestern student must not let loose.

Of course, another rule which plays a big part in N. U.'s life must not be neglected. It is: Thou shalt rather die than be behind times. Well, when swing swung its way into colleges' musical knowledge, Northwestern was in a bad way. Jitterbugging wasn't exactly proper, and yet N. U. couldn't be considered classe, so it effected a compromise. 'Smooth swing' was the good word.

Naturally, then, Louie Armstrong could never be considered good form. Fats Waller and Count Basie, too, had to take a musical powder, while the smoother melody boys came into the platter and dance-floor limelight. When Northwestern buys recording it's Hal Kemp, Ambrose, and ooo-la-larry Larry Clinton. Benny Goodman is just good, along with Tommy Dorsey on the 'Stardust' recording, but the consensus is that Goodman plays everything the same way. It's too much Goodman and not enough melody.

The same Northwestern students who slipped Goodman a dash of razzberry say they like Dick Jurgens because he doesn't try so hard to be 'distinctive.' He plays music for dancing—and that's what music is for.

Of course, while the raw-swing of Count Basie, Armstrong, et al. is taking the count at Northwestern, the sweet sisters, Lombardo, Wayne King and Garber are out in their corner, too. Grinnage one co-ed, 'they're so sweet they make me sick,' but she may have been a bit harsh.

Talking about the 'out' boys, we might mention Eddy Duchin who's looking that way in spite of the now famous 'Ol Man Mose.'

The trend at Northwestern is toward orchestration as opposed to vocals and recital-instrumentation. Plain, good orchestration is danceable, and the students want to dance.

We find that of the middle-boys, whose swing is smooth, Larry Clinton's 'My Reverie,' 'Song of India,' 'Marie,' 'You Go to My Head' and 'Dodgin' the Dean' are sending Northwestern's victrolas round and round.

The 'In' Bands

Also among the 'in' boys, we can't forget Tommy Dorsey's 'Night and Day' and 'Don't Be That Way,' and Ella Fitzgerald's 'Rock It for Me.' Bob Crosby is still loved for his 'Gin Mill Blues' and the swung 'Pagan Love Song.'

Along with more campus favorites are found: Henry Busse's 'Hot Lips,' Goodman's 'One O'Clock Jump' and Larry Clinton again with 'Heart and Soul.'

On the whole, Northwestern just wants to dance, but the melodies must be rhythmic sans bumps. Smoothness is the order of the day at both formal and informal dances. Only exhibitionists gasp through a wild shag and the 'best' girls don't throw themselves into a frenzied dansabandon when the brasses bray.

Perhaps this is caused by the type of dance Northwestern runs. Our big formal, the Merry Ball, Interfraternity Ball and the Senior Ball are usually held in a big Chicago hotel and are gorgeous formal affairs, where the girl who took notes next to you in class in a sweater and skirt looks like something out of Vogue and acts like it.

The informal dances, too, although they are usually held in the gym or other close-by halls, retain some formality—or perhaps, it's this proper or smooth business that was spoken about before.

Leave the Melody In

Men in the musical trades might well note the trend away from the boys who whoop it up over everything, to the fellows who leave enough song in the number for the dancers to hum. Golly, everybody likes to hum. Furthermore, dancers find it a bit embarrassing to have danced through some swung number without the faintest idea of the title.

In the last analysis we find college students, if not the general public, liking music that won't make them feel like fools. This is true, firstly, because the general college man or woman goes dancing with the moment's heart-beat and they don't want that heart-beat sweated and bedraggled at the end of the first number. Secondly, raw swing takes all the romance out of dancing, and it must be admitted that dancing is basically a romantic business. Probably that explains the quick decline of the 'big apple' and other hot, group numbers.

Although students delight in being careless on campus, it must be remembered that on their formal dance floors they're dressed for the spotlight, and in the back of most students' minds each is playing a Hollywood romantic lead. They, then, want music to highlight their romance instead of turning it into a holy rollers' session.

Orchestras' reputations in colleges—or, perhaps I should say, at Northwestern—are made on recordings. It isn't too often that students can afford to hear Clinton, Kemp, Crosby, etc., but in the fraternity and sorority houses victrolas go all day and half the night. Favorite numbers are played until the platter is worn thin, and then a new favorite swings its way into Northwestern's feet.

Of course, the students listen to Kayser and Sammy Kaye and the Blue Baron over the air, but when they want to dance they all pile into the recreation rooms, pull out a record, and go to.

As a parting shot, if there is one item Northwestern students demand in a dance-band, we would say it's rhythm, always remembering that rhythm to middlewestern sophisticates means smooth rhythm. And there you've got us.

(Next Week: Stanford)

The South Dissents

Columbia, S. C., Dec. 20.

Editor, VARIETY:

Far be it from us collegiate cats down South to start any musical senilities with our northern brethren, but to the gang here 'College Rhythm' by Fred Newmeyer of Penn State (VARIETY, Dec. 7) served only to trace the climb of a few top names and absurdly concluded that the Penn States picked their bands for name reps and not for music.

It should be obvious to a cat of three that it takes more than a good publicity specialist to build a dance ork that makes the upper bracket. The best chosen superlatives in the book don't mean a thing when the 'On Air' sign turns red and faders open the way to transmitters and listening ears.

Whether turntables are in control room or living room, they have no place for platters by second-raters of the field. The fittest shall survive is just as true musically as biologically. The name bands are top cream and to say that they pick for names and not for music is equivalent to direct self-contradiction.

Here, in the Southland, where jitterbugs eat grits and speak with a drawl, we like our name bands, too. The collegiate herd is just as anxious to hear T. Dorsey's latest swing classic, to watch Little Jack Little singers at work, to smile at Kay Kyser's 'Lendlease,' as our Yankee friends. But the name of the stick-waver is not the only reason for shelling out the shekels when the big-time boys come to town. We expect talent and originality, the very reasons why the Dorseys, Lombardos, the Whitmans, and the Spitalnys are still in the running.

The essence of all the above is that whether our frats and clubs choose their melody-makers by name rep or music rep it amounts to the same thing. The names serve the music, and we honeyeats and swingcats like it.

Frank Burger, '39,
(U. of S. Carolina)

Announcer, WIS.

Traffic For Dance Bands Radio Grief

With the easing of the Chicago situation, where dance band remotes were banned for almost a year because of objections of the Chi Hotel Men's Association to the \$100 service charge, band sustaining time is expected to be jazzed up worse than it is now. Edgewater Beach hotel, Chi, broke away from the HMA edict several weeks ago and the rest of the spots are expected to be back on the air by Feb. 1.

Because of the large number of crews located and desiring air time, it's been a mad scramble for program arrangers to satisfy 'em all. That was without Chicago to worry about, but now with that area coming back on the scene the whole thing will be that much more acute.

Squawks are not confined to the comparative small-time either. Tommy Dorsey recently declined to air his band after an argument with CBS over circulation. He stayed off from Dec. 5 until the past Friday (16). Dorsey's complaint was that his net aggregated only 36 outlets in the east and midwest and that he was held down because of his refusal to pay off for preferred time. He claims that a band's circulation should not be governed by how much it kicks in, but by its appeal. His comeback was with an added 20 or so outlets, every other one or so on a coast-to-coast spread.

Bunny Berigan set for New Year's Eve dance at the 103d Regiment Armory, Philly. Spot holds 5,000, with Legion posts and fraternal groups peddling tickets.

Buddy De Sylva turned in 'Wish-in' for 'Love Affair' at RKO.

Inside Stuff—Music

Action brought by Harms, Inc. against Famous Music Corp. and Paramount Pictures over the alleged infringement on the late George Gershwin's 'Tell Me More' got another preliminary inning in the N. Y. Federal court last week. It was a motion asking Judge Alfred C. Cox to order Paramount to file a bill of particulars in its defense statement that 'Tell Me More' was not an original tune, while the song cited by Harms as a takeoff, 'Says My Heart,' from 'Cocoanut Grove,' has no precedent.

Judge Cox granted Harms' demand to the extent that Paramount must cite all the sources it has in either instance within 10 days. Sidney William Wattenberg appeared for Harms, while Austin D. Keough argued in Paramount's behalf.

M. M. Cole and Mills Music, Inc., have straightened out their differences on the copyright renewal rights affecting 'The Big Bass Viol.' Mills has assigned the renewal authority it had obtained from the tune's writer, M. T. Bohannon, to Cole. Latter got to Bohannon for the renewal rights before Mills, which had the original rights, found out where the writer lived. Counsel for Mills agreed yesterday (Tuesday) that Coles had a prior right and gave legal clearance to the Chicago publisher.

Benny Goodman last week brought in his litter of cats to Town Hall, N. Y., as illustrators of points in a discourse on the 'Rise of Swing,' by John Erskine. Talk was the finale in a series of 10 begun Oct. 10 by Erskine's discussion of 'Old Folk Songs as the Basis of American Music.'

Erskine, novelist, music critic and member of the board of the Metropolitan Opera Co., was introduced by an official of Town Hall who said, to his knowledge this was the first time swing had invaded the hall.

Counsel for Thomas G. Rockwell and F. C. (Corky) O'Keefe have worked out a deal for the acquisition of the latter's stock by Rockwell-O'Keefe, Inc. Remaining point to be determined is the length of time that O'Keefe's name will be retained in the corporate name.

O'Keefe quit as partner in R-O'K last month after a four-year association with Rockwell and set up his own office with the Cass Loma band as the nucleus of his business.

Champ record holding band of the country is Francis Craig's 'currently' at the Hermitage hotel, Nashville. He's 14 years on same location job, incidentally his first on quitting college and hotel's first musical attraction. Craig is enjoying a rep as a football prognosticator, having called actual scores on the annual local Vanderbilt-Tennessee game last two years in a row.

Life mag will ballyhoo Paul Whiteman Xmas night concert at Carnegie Hall.

On the Upbeat

'The Three Gentlemen' are at the Lounge Bar of the Community Shop, Binghamton, N. Y., indefinitely. Meyer Davis agented.

Lyda Mae Coy, soloist at WHB, Kansas City, left to join Joe Reichman and his orchestra in Minneapolis. Reichman crew currently at the Nicolet hotel.

Ken Francis' orch into the New Penn, Pittsburgh, for two-week stay Saturday (17), replacing Al Kavelin, who opens tomorrow (22) at Jung hotel in New Orleans for four weeks. Latter's contract at New Penn had until Feb. 1 to run, but he was granted release with agreement to fill out unexpired time next spring.

Baron Elliott, staff crew at WJAS, Pittsburgh, pencilled into Alvin theatre in that city for week of Dec. 30 to play stage show with Jane Withers.

Tommy Blue slated to play one-nighter New Year's Eve for Phi Epsilon Pi fraternity at William Penn hotel, Pittsburgh. Placed by Joe Hiller for CRA.

Organist Johnny Duffy into Bill Green's Casino, Pittsburgh, for indefinite stay, alternating on stand with music of Ray Herbeck's orch.

Shep Fields, renewed for the second time, stays through March for a six-month stand at the Biltmore Bowl in L. A.

Bob Eberle of Jimmy Dorsey band changed his name to Eberly. Vocalist's tag was mispronounced too often.

Elliott Eberhard, pianist; Joe Herde, lead alto saxer, and Ed Collyer, trombonist, replaced Jack Kelly, Fred Foley and Charlie Fach in respective positions with Al Donahue crew.

Will Osborne does first band repeat on Show of Week program on WOR-Mutual, N.Y., Jan. 15.

Buster Bailey, trumpeter, just completed three sides for Vocalion.

Duke Ellington will play a concert at City College, N. Y., Jan. 3, for the Uptown Y.M.C.A.

Walter Powell's new aggregation getting ready for Brunswick disc series.

Curt Houck's Catalina Island band set for a return date at Radisson ho-

tel, Minneapolis, starting Dec. 26. R-O'K booked.

Al Kavelin goes to Stevens hotel, Chicago, when he winds up current engagement at New Penn, Pittsburgh.

Larry Clinton booked for University of Pittsburgh's annual Junior Prom at William Penn hotel, Pitts., Jan. 13.

Phil Harris directing his band again at Wiltshire Bowl after two weeks in New York.

Leo Forbstein directing 60-piece orchestra to record the score for Warner's 'Lincoln in the White House.'

Matty Malneck's orchestra signed for the Jack Benny starrer, 'Man About Town,' at Paramount.

Lou Prima's swing band recorded Johnny Mercer tune, 'Mutiny in the Nursery,' for Decca.

Charles Barnett opens at the Arcadia Ballroom, N. Y., Jan. 3. Date at the Lincoln Hotel, following Les Brown is pending.

Bob Howard, pianist on the air for Glider Shave cream, is doubling the Roxy, N. Y., from Mammy's Chicken Farm on 52d street.

Woody Herman orch. is set to cut four sides with Mary Martin, of 'Leave It to Me,' and another four with Connie Boswell for Decca.

Ronn Perry hies to Miami next week to open at the Boca-Raton Club, between Palm Beach, and Miami.

DENY NORVO-BAILEY SPLIT, JUST LAYOFF

Although they disclaim it, Red Norvo and Mildred Bailey have apparently broken their band which had been located at the Famous Door, N. Y. Pair are now working at the spot with John Kirby's orch, an alternate outfit at the Door. Crew was paid off after last Thursday's (15) session.

Co-leaders claim that three or four of the men in the outfit were ill and rather than cast around for replacements it was decided to give the entire outfit a rest while those ill recuperated. Entirely temporary they say, as does Music Corp. of America, which handles the band. At the same time several of the crew have been approaching other leaders for jobs.

Nan Wynn Vice Edythe

Wright with T. Dorsey

Edythe Wright, featured vocalist with Tommy Dorsey's orchestra, at the Hotel New Yorker, and on his Razz-Kool radio program, is leaving the band. No reason for the split has been advanced.

Reported that Dorsey is dickering with Nan Wynn, radio singer, now on a sustainer with Buddy Clark over CBS. Miss Wynn recently replaced Durrelle Alexander with Eddy Duchin when latter flew to her ill mother's bedside. That occurred.

Russ Morgan to Tour

When Russ Morgan quits the Philip Morris program on NBC Jan. 24 he will embark on his first tour with band. Crew has been in New York and vicinity virtually all of its existence, never getting to one-nighters or theatre stumping time. Starts with Stanley there, Pittsburgh, Jan. 27; Washington, Philadelphia and Strand, Brooklyn, N. Y., follow. After that he'll probably go into the south. Charlie Yates office is booking for CRA.

when Duchin was doing a p.a. at the New York Paramount. Miss Wynn is on a theatre date in Buffalo.

15 Best Sheet Music Sellers

(Week ending Dec. 17, 1938)

All Ashore	Shapiro
*Two Sleepy People	Famous
My Reverie	Robbins
Night Before Christmas	Chappell
Deep in a Dream	Harms
*You Must Have Been a Beautiful Baby	Remick
Umbrella Man	Harms
Mexicali Rose	Cole
Have You Forgotten So Soon?	Berlin
You're the Only Star in My Blue Heaven	Shapiro
I Won't Tell a Soul	Crawford
While a Cigarette Was Burning	ABC
*Lambeth Walk	Mills
They Say	Witmark
*I've Got a Pocketful of Dreams	Santly

* Indicates film musical song. † Indicates stage production song. The others are pops.

ASCAP Avoids Year-End Uproar; No Availability Change Now

Rather than cause a year-end uproar in the industry, the availability committee of the American Society of Composers, Authors & Publishers voted last Friday (16) not to make any changes in publisher ratings. Plea on which the committee acted was that since there would have to be another group elected in a few weeks it would be best to leave the task of making the revisions to such successors.

Availability committee had held a series of intensive meetings for weeks. The ASCAP clerical staff had been working at all hours collating data showing how various firms' older tunes had fared in radio uses. Dominant opinion in the committee was in favor of making drastic changes in the availability standings of certain publishers. As the committee sat down for its final meeting the counter-pressure began to make itself felt, and the coteries as a whole became convinced that it might be better to see what could be done about altering the system before putting through the proposed wholesale change in ratings.

It was also decided that the position of the larger catalogs had been substantially reduced, since there had been an increase of 2,000 availability points during the past three years so that the complaints of a number of small publishers could be taken care of. Also to balance the standings of some of the major firms as these additional points piled up. Among those seeking availability boosts for the final quarter of 1938 were Harms, Inc.; Irving Berlin, Inc.; Crawford Music, Chappell, Shapiro, Bernstein & Co.; E. B. Marks, Santly-Joy-Select, Famous Music Corp., Witmark, Samuel Mannes and Broadway Music Corp.

Classification committee for the writers in the society also met last week and made some changes in its royalty ratings. Outstanding move was the raising of Billy Hill to Class A standing.

VICTOR, BLUEBIRD CARBON COUPLETS

Victor and Bluebird, both RCA labels, are coincidentally releasing records by Benny Goodman's crew and Artie Shaw's outfit, using the same two numbers on each. Shaw and Goodman are very similar in style, and rivals as clarinet swinging bachelors.

Tunes on both sides of each are from Bing Crosby's new picture, "Paris Honeymoon." They are "I Have Eyes" and "You're a Sweet Little Headache."

From Cowboy to—

Roy Music Co., yesterday (Tuesday) filed suit in the N. Y. supreme court, alleging that Leo Feist, Inc., had committed an act of unfair competition by publishing a number under the title of "My Marguerita." Roy Music had a number of the same title on the market in 1938, while Feist's came out this past April.

Complaint states that the Feist number was taken from a Spanish composition titled "El Charro" (My Cowboy).

Rosenberg Is Victor

Jacob Rosenberg was re-elected for the second time last week as president of the New York musicians' union. His entire ticket was voted back in with him.

Rosenberg got two and a half times as many votes as did his two opponents, Arthur Holstein and Arthur Pryor, Sr., combined.

Tenney Re-elected

Hollywood, Dec. 20. Jack Tenney was re-elected for a second term as president of the Musicians Mutual Protective Assn. All other incumbents retained.

JITTERBUG WINS DAMAGES; WAS SUBDUED

Omaha, Dec. 20.

A 'big apple' dancer won a \$5,000 judgment against the Chermot ballroom manager and two employees this week, charging the three men beat him up because he was going through jitterbug antics. The verdict was against Al Wolf, manager of the Chermot; Rudy Mueller, president of the Omaha Junior Chamber of Commerce and a former floor manager at the ballroom, and Fred Christianson, ballroom special officer.

The defendants said they were merely trying to calm down the jitterbug, who was 'boisterous' and stomping his feet on the floor.

Clinton's Record Brings Repeat at Hartford, Conn.

Larry Clinton's record at the State, Hartford, Conn., on Sunday (19), is bringing the band back for an additional four-day appearance Dec. 27-30.

Clinton band currently continues its road tour of college, frat and deb parties throughout holiday season until mid-January.

Protest Music Layoff

Philadelphia, Dec. 20.

A. Rex Riccardi, secretary of the Philly Musicians' Local, trekked to Washington last Saturday (17) to personally protest to WPA execs against laying off members of the Music Project here. There are 670 employees in the Project in the state and 200 in Philly.

Riccardi said a cut of about 21% is expected before Jan. 15.

OMAHA UNION ELECTS

Omaha, Dec. 20.

Peter J. Christian was elected president of Local 70, American Federation of Musicians, over Ranganval Olson. Ernest Nordin, retiring prexy, was named vice-president.

Other officers are Harold Pace, recording sec.; M. M. Chaloupka, sec.-treas.; Fred C. Borghoff, Sgt.-at-Arms; Randall, Leo Gamet, Carl Kamp, Don Wheeler and Frank J.

Wayne King's \$1,410

Lincoln, Dec. 20.

Wayne King topped all the bands of the last three months at the Turnpike Casino here, getting \$1,410 for the night (16) at \$220 advance and \$270 at the door. King, en route east to Chi from the Coast, made this his last stop before the Drake hotel. Goes in three months to the Astor, N. Y.

PUBS' ACCORD WITH RCA EXPECTED

Publishers, as represented by Harry Fox, agent and trustee in the Music Publishers' Protective Association, will likely work out an agreement with RCA Victor on the matter of a special royalty for discs used in coin-operated machines as soon as Victor counsel become available for negotiating terms. Once Victor binds itself to such agreement it is expected that the Decca Record Co. and the American Record Co., now owned by CBS, will quickly follow suit. When and if the publishers' proposition goes through it will mean an added income of between \$1,000,000 and \$2,000,000 from this source.

Indications have already been given by Victor that it is ready to bind itself to a special licensing agreement covering records used in coin machines. Victor reps explained last week that the only thing that has been holding up discussions in that direction is the circumstance that company counsel has been tied up by trial of Victor's suit against Paul Whiteman and WNEU, N. Y., before Judge Vincent Libell in the N. Y. Federal court.

Or Else

What has made Victor particularly anxious to get together with the publisher is the recording impasse that has developed since Nov. 28 when Fox notified recording companies that they would have to accept a new licensing form which, in effect, restricted its application to discs made for home use. Phonograph companies' immediate reaction was the announcement that rather than yield to this new form they would resort to the compulsory provision of the copyright law and pay a straight 8¢ royalty instead of the former 1½¢.

Result in phonograph company quarters since then has been twofold; some new numbers have been recorded and not released or listed, while two of the manufacturers have elected to avoid using anything not licensed prior to Nov. 28. Publishers have consistently refused to waive the rights or restrictions stipulated in the new MPPA license form and the manufacturers have been reluctant about running into a test suit on the coin-machine issue. Fox has based his right to collect a special fee for coin-machine records on the provision of the copyright law which gives the copyright owner the exclusive right to arrange his work. The pubs are asking for 5¢ per number on coin-machine records, while the home-used product would continue to call for 1½¢.

NEW FRISCO BALLROOM

Skating Rink Bids for Collegians With Gene Krupa

San Francisco, Dec. 13.

Gene Krupa opens here Jan. 12 in the Shamalor Bowl. Ellis Levy will be general manager of the ballroom, formerly a skating rink. Operator hopes to get the college crowd who can't pay the hotel tariffs.

Deal in on the fire with NBC to handle the remotes from the Shamalor Bowl.

They're Off—To Florida

Trek from Tin Pan Alley to Florida starts this week. Louis Bernstein, of Shapiro, Bernstein & Co., leaves Saturday (24) for a month's stay in Miami Beach. Going in the trip with him, besides Mrs. Bernstein, is his professional manager, Jonnie H. and the latter's wife, Don Rhodes.

Jack Mills, of Mills Music, Inc., who recently underwent an operation, is figuring on leaving for Flo-

Robbins Group, Berlin, Inc., Hold Out on ASCAP Membership Renewal; NAB and SPA Loom

The Twist

Pair of music men were overheard discussing the music biz at luncheon. Two finally got together on one point. 'I tell you,' said one with emphasis, 'No matter how you look at it, all companies are paying off in one form or another!'

'Yeah,' yeighed his opponent, 'In one form or another—cash or check.'

Robbins-Metro publishing group and the firm of Irving Berlin, Inc., remain the lone holdouts in the membership renewal campaign of the American Society of Composers, Authors and Publishers. These extensions become effective Jan. 1, 1941. Reason for the rush was twofold; one, to be equipped for the starting of negotiations for a new contract with broadcasters, and, secondly, to expedite the consummation of a new form of standard writers contract between the Music Publishers Protective Association and the Songwriters Protective Association.

Quite a number of major pubs turned in their extension to ASCAP last week after they had been assured that no publisher would receive special terms. This precaution had been motivated by an incident that occurred three years ago. As an inducement E. C. Mills, then ASCAP gen. mgr., gave Famous Music Corp. a letter assuring the firm that there would be no change in the system of publisher classification while the proposed contract was in effect. The publishers wanted to make sure this time that not only would there be no preferential angles given anybody, but that all agreements will have exactly the same wording.

Berlin's Status While Bernstein is dissatisfied with the deal that his firm has been getting under the present system of classification, his major peeve has to do with the status of Irving Berlin himself in the Society. Bornstein has always and still contends that ASCAP should accord Berlin, the writer, a special class, since he is responsible for both the melody and the words of his songs. Under the current setup he rates the same as writers who have one or two collaborators.

Circumstance that practically all the publishers have submitted their extended agreements is expected to bring the negotiation for a new standard writers contract to an early close. The pubs have already agreed to give the writers 50% of all monies collected for mechanical and other rights. Both the ASCAP and MPPA-SPA contracts will run for parallel periods.

GOODMAN TOPS N. Y. PAR'S POLL

Instead of presenting identical cup awards to the first three bands in the annual lobby balloting conducted by the Paramount, N. Y., for 1938 the theatre will declare just one winner, the orchestra that is on top in the voting. This year it will be Benny Goodman.

First five bands in the fan balloting for the year are Goodman, Tommy Dorsey, Sammy Kaye, Lombardo and Kay Kyser. Poll will be continued during 1939, since, among other things, it provides a guide as to the public popularity of orchestras.

Last year (1937) the three winners were Goodman, Lombardo and Shep Fields, while the first year's trio of award-getters were Glen Gary, Lombardo and Fred Waring.

The N. Y. Par currently has Gray and his Casa Omaha orchestra back for the holidays while also booked for return dates are Benny Goodman, Tommy Dorsey, Chick Webb and Bob Crosby.

Teagarden Seeks Out; Wants His Own Combo

Attempts of Jackson Teagarden to get his release from Paul Whiteman in order to start out with his own crew which is now in rehearsal, is currently under advisement of the International Brotherhood of the American Federation of Musicians. Letter took it from Local 802.

Whiteman has Teagarden tied to him with a five-year contract which expires Feb. 1 next. Teagarden's argument nullify is the union's rule against signing a musician for longer than a year.

GUS EDWARDS' 158 COPYRIGHTS RENEWED

Renewal rights to the Gus Edwards works went last week to Witmark and Remick catalogs after a couple years of off-and-on-again negotiations. The deal embraces 158 copyrights. Same combine has also been assigned the renewal rights to the Victor Herbert-Charles K. Harris operettas, "Little Nemo," "Dream Girl" and "Rose of Algiers." The sismators were Ella Herbert Bartlett, Clifford Herbert and Mrs. Charles K. Harris. Latter formerly published the three scores.

Among the numbers in the Edwards group assigned to Witmark are "Goodbye, Little Girl, Goodbye," "He's My Pal," "If a Girl Like You Loved a Boy Like Me," "In My Merry Oldsmobile" and "Tammany." Edwards' Remick batch includes "By the Light of the Silvery Moon," "If I Was a Millionaire," "For You a Rose" and "Look Out for Jimmy Valentine."

T. E. Harms has obtained the renewal rights to "They Didn't Believe Me" from "The Girl From Utah." Herbert Reynolds, nee Emy Rourke, did the lyrics and Jerome Kern the melody. Renewal becomes effective in 1942.

William Lavan and Eddie Cherokee wrote "So Far, So Good, So What," for Republic's "Forged Passport."

Frances Langford vocalized with Rudy Vallee's orchestra Sunday for several Decca recordings.

CBS Concert Bureau Calls Rally 'to Explain'; Reported Angered by Guild Maneuvers

'Explanatory' meeting with its contract artists to 'eliminate doubts and misgivings' was held by Columbia Concerts Corp. last Sunday (18) at Steinway hall, New York. Session took the form of questions and answers in regard to the agency's current battle with the American Guild of Musical Artists. It had been promised in advance that there would be no speeches. Reported attendance varied from 16 to 20 artists. About a dozen officials of the management were there.

According to those present, the meeting had little actual result. Representative of the management stated that only one specific thing was worth mentioning, but what it was could not be revealed without permission of the legal staff. Such an okay was not forthcoming. Others who attended, however, reported that Arthur Judson, president of the agency, announced that it will cost Columbia Concerts Corp. about \$15,000 to defend itself in the present FCC monopoly hearings and that 'you artists will have to pay for it.' AGMA petitioned for and was granted the right to intervene in the hearings. As a result, negotiations between the union and the concert bureaus were broken off and have not been resumed. Each side has accused the other of breach of faith.

Understood AGMA members were incensed at Columbia for calling last Sunday's meeting. They termed it attempted 'intimidation' and hinted that it might be added to the list of alleged abuses to be brought out at the FCC hearings. Arguing that artists are not the employees of the concert bureaus, but are actually employees, the AGMA members explained that they are in a particularly vulnerable spot in regard to management. They point out that since the entire concert field is spread-angled by Columbia Concerts and NBC Artists Service, there are actually only two important employers with whom they can do business.

As further reprisal against Columbia for its alleged 'intimidation' attempt, it was intimated that AGMA might without further ado call on its affiliate, the Screen Actors Guild, to place a ban on the agency in Hollywood.

Whole issue behind the current dispute is AGMA's attempt to license the concert agencies. One of the aims in AGMA's drive is the lowering of concert commissions and revision of the civic and community concerts setup. Core of the scrap is the management's refusal to permit inspection of its books, except under conditions the union considers unacceptable.

Hartford Arena Reopens

Hartford, Dec. 20. Closed for several seasons, the Hartford Arena is to be reopened about the first of the new year for dancing, skating and boxing. Will be under the management of William Rose and Syd Conn, known locally as Conrose Artists. House has a capacity of 3,000.

Present plans call for the use of name bands on Saturday nights with a 55c. top. Other night for dancing will be Mondays with local bands used.

Network Plugs, 8 A.M. to 1 A.M.

Following is a totalization of the combined plugs of current tunes on NBC (WEAF and WJZ), and CBS (WABC) computed for the week from Monday through Sunday (Dec. 12-18). Total represents accumulated performances on the two major networks from 8 a. m. to 1 a. m. In 'Source' column, * denotes film song, † legit tunes, and 'pop' speaks for itself.

TITLE	PUBLISHER	GRAND TOTAL
My Reverie.....	Robbins.....	Pop.....43
This Can't Be Love.....	Chappell.....	Boys from Syracuse.....43
You Must Have Been a Beautiful Baby.....	Remick.....	Hard to Get.....37
It's Lonely Trail.....	Berlin.....	Pop.....37
Ya Got Me.....	Lincoln.....	U. of Penn. Mask and Wig.....33
I Won't Tell a Soul.....	Crawford.....	Pop.....33
What Have You Got That Gets Me?.....	Famous.....	Artists and Models.....33
Deep in a Dream.....	Harms.....	Pop.....32
Night Before Christmas.....	Chappell.....	Pop.....32
Two Sleepy People.....	Famous.....	Thanks for the Memory.....31
All Shook Up.....	Shapiro.....	Pop.....30
Have You Forgotten So Soon.....	Berlin.....	Pop.....29
Sixty Seconds Got Together.....	Santly-Joy.....	Pop.....27
They Say.....	Witmark.....	Pop.....27
Jeepers Creepers.....	Witmark.....	Going Places.....25
I Must See Annie Tonight.....	Bregman.....	Pop.....25
Please Come Out of Your Dreams.....	Words-Music.....	Pop.....25
F.D.R. Jones.....	Chappell.....	Sing Out the News.....25
Umbrella Man.....	Harms.....	Pop.....24
Spur of the Moment.....	Spier.....	Pop.....23
Girl Friend of the Whirling Dervish.....	Harms.....	Pop.....23
Love, I'd Give My Life for You.....	Stansy.....	Hollywood Revels.....20
Simple and Sweet.....	Miller.....	Pop.....20
You Look Good to Me.....	Bregman.....	Pop.....20
What Do You Know About Love?.....	Chappell.....	Leave It to Me.....19
Who Blew Out the Flame?.....	Marks.....	Pop.....18
Old Folks.....	Feist.....	Pop.....18
Heart and Soul.....	Remick.....	Pop.....18
After Looking at You.....	Fox.....	Pop.....17
Your Eyes Are Bigger Than Your Heart.....	Famous.....	A Song Is Born.....16
While a Cigarette Was Burning.....	Robbins.....	Pop.....16
I'm Madly in Love with You.....	Shapiro.....	Pop.....16
Old Curiosity Shop.....	ABC.....	Boys from Syracuse.....15
I Long to Belong to You.....	Mills.....	Cotton Club, N. Y. Revue.....15
Angels with Dirty Faces.....	Feist.....	Pop.....14
Say It with a Kiss.....	Red Star.....	Pop.....14
Lovey Duba.....	Fisher.....	Angels with Dirty Faces.....13
My Own.....	Witmark.....	Pop.....13
Room with a View.....	Chappell.....	Boys from Syracuse.....11
Where Has My Little Dog Gone?.....	Robbins.....	That Certain Age.....12
Is That the Way to Treat a Sweetheart.....	Bregman.....	Pop.....12
April in My Heart.....	Robbins.....	Pop.....12
I've Got a Pocketful of Dreams.....	Olman.....	Pop.....11
I Go for That.....	Paramount.....	Say It in French.....11
Thanks for Everything.....	Words-Music.....	Pop.....11
Summer Souvenirs.....	Famous.....	St. Louis Blues.....11
	Robbins.....	Thanks for Everything.....11
	Chappell.....	Leave It to Me.....10
	Bregman.....	Pop.....10

BAND BOOKINGS

Glenn Miller, Paradise Restaurant, N.Y., Dec. 23.

Larry Clinton, Paramount, Newark, Jan. 15.

Larry Funk, Village Barn, N.Y., Dec. 19, two weeks. Texas Jim Lewis' cowboy crew succeeds Funk on Jan. 6 for eight weeks via ROK.

Billy Bear, Paramount theatre, Ft. Wayne, Ind., Jan. 20. Andrews Sisters accept.

Al Donahue, Palm Island Casino, Palm Island, Fla., Jan. 12, eight weeks.

Lahi McIntire, Lookout House, Covington, Ky., Jan. 3, two weeks.

Beau Brummels, combo, International, N.Y., Dec. 24.

Marvin Frederic, Atlanta Biltmore hotel, Dec. 16, five weeks. Closed at Park Plaza hotel, St. Louis.

Buddy Fisher renewed at Beverly Hills club, Newport, Ky., to Jan. 1.

Earl Mellen, Crystal Terrace ballroom, Louisville, Ky., Dec. 28 to Jan. 10. Buddy Fisher doing a return replaces Jan. 11.

Biltmore Boys, Carlton hotel, Washington, D. C., Jan. 6, indef.

Red Nichols, Nicolet hotel, Minneapolis, Dec. 31, four weeks.

Freddy Fisher's Schnickelfritz band exits Village Barn, N. Y., Dec. 18, for dates at Palace theatre, Cleveland, Dec. 23, and Shubert, Cincinnati, Dec. 30.

Eddie Albany, Hawaiian Paradise, Hollywood, Dec. 14, three weeks.

Dave Konasi's Hawaiians exiting Tucson hotel, Tucson, Ariz., Dec. 23.

John Gart, Shelton hotel, N. Y., Dec. 17.

Gerry Morton, Savoy-Plaza hotel, N. Y., Dec. 15.

Bobby Parks, Plaza hotel, N. Y., Dec. 20.

Jack Marshard, Plaza hotel, N. Y., Jan. 24, replacing Eddy Duchin.

Joe Stern, Ormand Beach hotel, Ormand Beach, Fla., Dec. 21.

Hilbert Serbin returned to Elbow Beach hotel, Paget, Bermuda, Dec. 20, for ninth consecutive year.

Dave Carson set for Casa Marina, Key West, Fla., Dec. 18.

Howard Lanin one-niting eastern seaboard for Bill McIlwee office out of Philly.

Barney Rapp, Gibson hotel, Cincinnati, Jan. 6 through Feb. 2.

Leon Mojica started one-niting for CRA, Dec. 16. Exited El Patio, San Francisco.

Ambassador, strollers, Seelbach hotel, Louisville, Ky., Dec. 19, four weeks.

Joseph Sudy stays at Sir Francis Drake hotel, San Francisco, until February.

Commanders, Orlando hotel, Decatur, Ill., Dec. 19, two weeks.

Embassy Four, troubadors, Woodruff hotel, Joliet, Ill., Dec. 23, two weeks.

Alma Gluck's Will

Hartford, Dec. 20.

Will of Alma Gluck Zimbalist, opera singer, was admitted to probate here by Judge Harry Smith on Wednesday (14). Under terms of the will Barnard College of New York City will receive \$10,000; Union Chapel, Fishers Island, N. Y., \$1,000; St. Thomas Church in New York City, \$1,000. Two granddaughters are each left 100 shares of Time, Inc., and a servant, Catherine Gallagher, \$1,000.

Her husband, Efram Zimbalist, the violinist, is given the life use of real estate now here. The residue of the estate is to be administered by trustees for his life use. Upon his death, the estate is to be divided among her three children, Marcia Davenport, Marie Goelet, and Efram Zimbalist, Jr.

Executors of the estate are Zimbalist, Russell Davenport and Washington Dodge.

Yacht Club Boys signed to record a series of songs for Decca.

Leo Watson, scat singer with Gene Krupa's orch., was released from the band last week.

Rita Rio shorting for Warner Bros., Brooklyn, N. Y., Jan. 17-18.

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Kelly Threatens to Picket Philly Niteries If They Don't Sign Pronto

Philadelphia, Dec. 20. Pickets as Christmas presents were promised niteries here by Tom Kelly, biz agent for the Philadelphia American Federation of Actors, unless they came through immediately with closed shop agreements. Kelly has said he has absolute assurance members of the Musicians' Union would not cross the picket lines.

Kelly's ultimatum was delivered after several meetings with the Night Club Owners' Association, called on the prospect of getting a blanket agreement, proved fruitless.

Niteries ops, it's understood, are stalling in hopes of ironing out difficulties with Kelly through intervention of his chief, Ralph Whitehead, AFA exec secretary. They claim the local biz agent is being discriminatory. Kelly, on the other hand, says that Whitehead sent him all correspondence sent the latter from the NCOA and the Entertainment Managers' Association, a hooking group, which is siding with the niteries against Kelly. He said Whitehead has absolutely refused to take part in the local feud.

Kelly said yesterday (Monday) that any attempt by the EMA to run auditions next month, as planned, would be futile, because AFA members would not be allowed to participate. This is the ostensible cause of the AFA-EMA battle.

Whitehead to Philly

New York, Dec. 20. Ralph Whitehead, executive secretary of the American Federation of Actors, will go to Philadelphia shortly to investigate disputes between recently organized branch of the union and Philly agents.

Although not officially apprised of any trouble there, he states that reports have reached him regarding trouble between Tom Kelly, Philly agent, and the niteries, and the percenters. Niteries operators are reported also to have clashed with the union.

Would Enjoin AFA

Detroit, Dec. 20. Peter Ardwin, proprietor of Wonder Boat niteries, is seeking an injunction to halt picketing of his spot by American Federation of Actors, which claims members of an ice revue showing at the niteries are not AFA members.

After AFA pickets made their appearance last week at the spot, ice revue cast, not to be outdone, picketed the pickets for a short time.

LOEW'S MONTREAL TO CONTINUE VAUDEFILM

Montreal, Dec. 20. Loew's Montreal will continue vaudefilm here until late in January and possibly further, stage shows having been lined up for several weeks in advance. Until last week future house policy was still undetermined, with Consolidated Theatres, operators, seriously considering dropping vaudeville.

House orchestra has been on notice for about a month now. When house opened last fall Consolidated was granted a concession by the A.F.M. Local 406, whereby musicians could be released on two weeks' notice, but operators did not give notice until recently.

Although booking of stage shows will probably continue for several weeks, the notice to musicians has not been withdrawn, Consolidated reserving right to change policy at any time should conditions warrant.

Andrews Sis Nix Double, Play Theatre with Gray

Andrews Sisters, who open with Glen Gray's Casa Loma band at the Paramount, New York, today (Wednesday), were forced to bow out of the Glass Hat of the Belmont Plaza, N. Y., following its last show Thursday (15). Girls had opened there Dec. 13, but Patti Andrews, who takes most of the solo breaks, was silenced by laryngitis, causing the exit.

Trio had originally been set at the Glass Hat for four weeks but cut it to two because of the overlapping date at the Par, which is for two weeks. Strain of doubling for the two sessions was figured too much.

Nitery Owner to Appeal Immoral Show Conviction

Columbus, Dec. 20.

Mrs. Esther Jacobs, through her attorney, has informed Judge Henry L. Scarlett she will let a higher court decide whether a large muff adorning Yvette, entertainer at her night club here, 'covered everything.'

Judge Scarlett denied a motion for a new trial asked by Mrs. Jacobs, who was convicted of permitting an immoral exhibition at her club June 21. She was fined \$200 and costs, but Judge Scarlett granted a stay of execution pending the filing of an appeal.

CARROLL'S NEW H'WOOD SPOT OPENS

Hollywood, Dec. 20.

Earl Carroll made his bow Monday (19) night as a Coast nitery operator when he unveiled his comico theatre-restaurant on Sunset boulevard just off Vine street, diagonally across the street from both NBC and Columbia's new studios. Carroll and his biz managers, Jim Carroll and Herman Hover, claim that \$500,000 is tied up in the new enterprise.

Layout has terraced effect for tables with accommodations for 1,000 diners and show lookers-on. He's using a line of 50 girls in the two-hour extravaganza twice nightly. Principals include Nadine Connor, soprano; Vivian Faye, ballet dancer; Harrison and Fisher, ballroom team, and Ray Noble's band. Eddie Prinz directed the dances, ballet choreography by Nico Charisse. Harry Long is stage manager. It is Carroll's plan

(Continued on page 36)

LEW CANTOR TO SHOW 'TWO-A-DAY' IN N. Y.

Hollywood, Dec. 20. Lew Cantor bought the New York rights to the Federal Theatre Project's 'Two-A-Day,' and plans to produce it on Broadway in February. Vaude cavalcade has been playing to capacity in Hollywood since Oct. 31 with FTP cast.

Cantor leaves for New York this week to engage a Broadway cast.

PALM BEACH ALL SET TO GO

Palm Beach, Dec. 20.

Palm Beach's sunset-to-sunrise lads have completed dusting out and have started throwing keys away for the season. First of the year should see everything on the go.

New to the resorters is the Pelican Club, on the north end of County road, next to the Avenue Grill. The 52d Street Club, south on County road, is being backed by the Irving Bros., popular brunch place. Irvings are going overboard on fancying up the 52d St.

Pelican, with room for 140 without showing, is run by Berlin Griffin, who also has finger in Alibi Club on Worth avenue and Newell Tilton's car wash drag. Herb ('Charlie') McCarthy is managing Pelican, with Four Freshmen in to provide music.

Moe Morton, who managed Clover Club in Hollywood, is having his first season under Florida sun as manager of 52d St. spot. Lou Carlton's band, Endor and Farrell, and Staples and Carlys currently getting the spotlight. Club, publicizing self as part of 'Ill' of New York, has the Famous Door sign over entrance, murals showing Yacht Club, Kit Kat, Stork, Dinty Moore, etc. Space for 50 and keeps no hours.

More Joins

The Patio, seventh year under Sam Salvin management, who also runs the Colony Club, has Herbert Hagenor's band, settling down under the palms after a world tour. New policy at Patio is no cover or mini-

(Continued on page 37)

Miami Would OK Gambling If It Could Be Handled Delicately, But—

Int'l Reopens Dec. 28; New Cast, Same Show

The International Casino, on Broadway, reopens Wednesday (28) instead of Saturday (24) with a refurbished Clifford C. Fischer revue. It's substantially the same production, with new people, including Jay C. Flippen, the Maxellos, the Beau Brummels (3), a troupe of Gertrude Hoffman girls, paced by Georgie Hale, and Yascha Bunchuk's music, plus others.

Fischer, after getting the show set, sails Monday (26), two days before opening, to his London Casino. Mrs.

MIAMI NITERIES SET TO PREEM NEW YEAR'S

Miami, Dec. 20.

With holiday season in the offing, many spots are working to preem for the new year. Jack Dempsey, with his hotel already open, is slated to start activities in the bar on Thursday (22). Show not yet set but is expected to contain name talent.

Paddock club opens Friday (23), with Oshins and Lessy and Leon Primals band topping. Frances Faye booked for later in the season. The Colony bows Friday (23) with Ruby Newman's orchestra. Palm Island club, with name band and show not yet set, opens Jan. 14.

Lew Mercer, of the Pittsburgh Nut club, will have a similar spot here later in the season. Emile Melanson opened his new Drum club, a \$75,000 investment, on Thursday (15). Al Delmonico has taken over the Gay Nineties, last year under management of John Prete, and later will

(Continued on page 36)

Miami, Dec. 20. From present indications there'll be no open gambling in the Miami Beach sector this season, with result that this isn't going to be much of a year for name talent in the local niteries.

The Miami Beach council, with the exception of two or three members, is liberal, but fears an indiscriminate opening of casinos will bring the blue-noses in full cry. If the operators could be brought together so as to restrict the number and quality of casinos, gambling would be condoned, but that's impossible. Several operators are already reported in town, awaiting favorable word from city hall.

The city fathers, however, got an idea two weeks ago of possible scandal to come when an itinerant preacher, Rev. Eddie Clayton, blew into Miami with the avowed intention of conducting a one-man crusade against the city's sinners, notably gamblers. He brought a complaint against a Coral Gables drug store cashier for operating a dice machine and the girl was 'reluctantly' convicted by a city court judge. Then the Rev. Clayton tried to bring a complaint against a church for operating a bingo game, but found the city prosecutors and other officials conveniently out-of-town.

Clayton was really warming up when the Miami Herald sprung an expose on him, that he had no congregation and earned his living chiefly from selling books. It was also brought out that Clayton had conducted 'crusades' in Reno and other western cities—and suddenly Clayton checked out of town after winning the governor of Florida that he was 'shaking the dust' of the wicked city of Miami. But the publicity he caused about gambling left its imprint on city officials. They'll be plenty wary in the future of leaving themselves open to attacks from other blue-noses.

Only one gambling spot is operating in these parts at present, about 15 miles out of town. The Joint sends its patronage in Miami Beach by sending a bus around to the hotels offering free passage to and from the dice and roulette tables. It's no white tie-and-tails casino.

AFA CHECKS CHISELS ON BENEFITS IN PHILLY

Philadelphia, Dec. 20.

Drive against benefit chisels in the past few weeks has resulted in stopping about 25 of them and landing 10 paid jobs, according to Tom Kelly, biz manager of the American Federation of Actors, who started the campaign off with warnings to nitery ops.

First real test of the curb imposed by Kelly on the chiz was at the CCC Club, an Italian, American organization, to which four niteries, Stamp's, the Purple Derby, Fireside and Open Door Cafes, sent their acts. When the talent arrived it found pickets parading.

Cops chased the pickets upon CCC complaints, but short time later, Kelly arrived and protested to the precinct captain. Pickets were soon back and the show, except for Stamp's acts, did not go on. Kelly said Jake Stamp, proprietor of the nitery, paid the performers himself rather than create bad feeling among the CCC Club members.

Dave Apollon Intros New Unit in Memphis

Dave Apollon will introduce a new vaude unit at the Orpheum, Memphis, Dec. 24, that will comprise 31 people, including mechanical staff and a 14-piece Russian swing band. He recently closed his New York nitery, the Casanova, after operating several weeks at big loss.

Melissa Mason, Honey Family, Three Oxford Boys, Tommy Trent, Ruth Petty, Mildred Law, Henny Morton, Orlo Thombs will be featured. Edward Burke, of the Charles Allen office, has set Fort Worth, Dallas, Austin, Houston and San Antonio to follow.

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AFA to Try N. Y. Agent Franchising: Gain Control Through Member Acts

Agent franchising will soon be attempted by the American Federation of Actors in New York. Union is trying it in Los Angeles, San Francisco, Detroit and Chicago, where it has virtually 100% closed shops, but has not yet tried it here.

Union has a strong hold on local nitery situation and is now lining up theatres. Control of agents is being secured through AFA member acts which the agents book.

There will be no fee for franchising. Only demand is that agents abide by AFA wage scales and other rules.

All agents will be accepted despite possible doubtful pasts. Union will wait until such time as an agent would commit some offense while franchised before closing the door. Idea is a copy of that employed by Actor's Equity Association.

LUPE VELEZ HEADS ROSE'S NEW CASA BILL

Lupe Velez heads the new card slated for Billy Rose's Casa Manana, New York, Dec. 28. Present bill, headed by Lou Holtz, will have completed eight weeks when the new show opens.

Others on the Casa bill include Norma Terris, Peggy Fears, Paul Haakon, Shaw and Lee, Carol Bruce, Nola Galli, the Aristocrats, the Elderblooms and Vincent Lopez's orchestra, a holdover.

Rose's new night club, the Diamond Horseshoe, in the Paramount hotel, New York, opens Christmas night. Staged by John Murray Anderson, "Turn of the Century" is flanked by Albert Johnson's quartets.

Noble Sissle's orchestra tops the show, composed of Fritz Scheff, Frank Libuse, Tom Patricola, Joe Howard, Clyde Hager, the Mangane Troupe, Della Lind, Emma Francis, Lulu Bates, Willie Solar, Harry Armstrong and Elizabeth Murray.

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"Hollywood Hotel" Revue

Miami Niteries

(Continued from page 35)

present "The Drunkard," or show of similar nature. The Hangar, atop the Fleetwood hotel, as yet hasn't set an opening date but will be under direction of Jack Hume. Name acts will probably comprise the diversification.

The Roney Plaza's dining room entertainment starts Saturday (24), with Bob Hall Towne and Knott and Ulla Deon featured. Michael Zarin's orchestra for dancing. Barry Devine to m.c. Hotel's Hawaiian Room also debuts Saturday (24), with Albert Vierra's orchestra.

Beach Spot Opens

Town Casino, formerly under management of Bruno Trebbi, and now bankrupt, has been reorganized and reopens tonight (Tuesday) under the management of Ken Meyer.

Name acts will be the policy, with Paula Stone scheduled to open New Year's Eve. Patricia Ellis and Lupe Velez are slated later in the season. Opening show offers John Hale, tenor; Jack and June Everett, comedy dance team; Hank the Mule, recently at the Hotel New Yorker; New York, and Cyril Smith, English comic. Al Dingley's orchestra for show and dancing.

Saranac Lake

By Happy Benway.

Lillian Mansfield, ex-Ziegfeld, took the first stage, of the rib operation.

During the past year, 60% of the cases have gone home okay; still showing here 30% mortality, 10%.

Frank Wallen, ex-burlesquer, who took three stages of the rib operation, is back to work.

Alan Crane, of New York, a new arrival at the Rogers. Needs a little rest.

Jimmy Meehan, a Rogersite bids, recently made a grand slam in bridge and hasn't been the same since.

Sidney Davidson, N. Y.; Irene Rinzler and Miss Syd Steinhaus, Brooklyn; Marcum DeForrest, Pittsburgh and Harold Vale, Worcester, hitting and ogling this colony.

Dr. Mark Marks and Michael Kelly going in for skiing.

Monroe Coleman, ex-N.V.A.-ite, who oozed a lot but studied more, now chief of the Rogers laboratory.

Major John Finley, who did his time at the Rogers, now laboring in Portsmouth, O., and doing o.k.

There's the talker's club at the Rogers, with Carl Kern and Ben Schaeffer topping the list.

Write to those who are ill.

CAFE TO FORMER OWNER

Philadelphia, Dec. 20. Club Africana, operated for the past six weeks, by Mrs. Harvey Lockman, was sold back to its original owner, Harry Hahn, last week.

FARR NEARLY K.O.D BY NOVA, COAST HEAVY

By JACK PULASKI.

Best heavyweight battle at Madison Square Garden since the Max Bear-Tommy Farr fight from a spectators' viewpoint was Friday (16) match between the Farr fellow and Lou Nova, young California heavy, who won over the 15 round distance. The fans were well steamed up towards the closing minutes. And again the short-enders exited gleefully, for the wise guys had made the odds better than two to one on the Englishman, the price being finally batted down to nine to five.

Farr came close to being stopped in the 16th round by the heavy leaning on Lou with his arms dangling, unable to defend himself. Only bulldog courage saved Tommy and the referee could have stopped it. In fact, Nova thought that would happen and said later he did not wish to hurt Farr further. Ref counted two over Tommy against the ropes but he came to life again.

It was Farr's fourth fight over here and his fourth defeat. But it was not a one-sided affair by any means, and up to the 10th round the point score was decidedly in the Britisher's favor. Tommy started out in round one by bashing Lou's back, and the latter's handlers had trouble keeping it from swelling. He then started walloping the mid-section and appeared to have his young antagonist worried. That was why Nova's rallies later, when he almost sunk Farr with body blows, proved something of a surprise. The referee called it a draw, one judge called it a draw, one judge called it a margin, while the other thought Lou copped 10 rounds.

The match was one in an elimination series expected to develop a likely opponent for Joe Louis in the spring. The champ was present and probably didn't worry about Nova as a contender, for the westerner looked crude and his timing often atrocious, as indicated by the swings he missed. Farr's misses were nearly as bad.

For the records, however, Nova gave Farr a worse looking than did Louis, while Baer, battered the visitor to an even greater extent. Inside rounds and the latter's "business" done for the Louis-Farr match and that the colored sucker did not intend to knockout the Englishman. It was on the strength of staying the limit then that won Tommy a certain fist standing over here.

As for Nova, his supporters will now come forward with arguments that he is the most logical opponent for a title match. That would not hold up until he meets Baer, and unless he defeats that pug, Max still appears to be the sucker who could give Louis a real fight, despite the disgraceful showing he made when the Detroit Bomber took the championship away from him.

The gamblers had the same slant at the Nova-Farr bout as did Dempsey and Tunney, who at a recent sports-writers gathering opined that the Coast boy was over-matched and was brought along too fast. They argued that Lou did have enough experience, but they could not accurately rate the battling instinct that actually won the decision. It was the first time for Nova to fight over 10 rounds. At times he was so tired that he kept peering at the clock to find out how long it was before the round ended. Every time he did that Farr would smack him on the puss and it was a wonder that one of those blows was not a kayo.

Regardless of Nova's claims, Louis's next title bout will be against John Henry Lewis, also colored, the former light heavyweight leader. Match is carded for Jan. 25 at the Garden.

Cafe Act in Compromise Over Philly Pact Breach

Philadelphia, Dec. 20. Compromise settlement was made in court here Friday (16) of claim of Clark and Curtis, hand-balancing act, that their contract with the Viking Cafe was unfairly terminated. Performers testified they were cancelled after the first night. Demanded full week's pay.

Wynn Fisher, operator of the spot, declared the act was not the one he ordered from Jay Raymond, agent. Raymond maintained it was. There was no written order or contract, however. Court therefore awarded that Fisher pay \$55 and \$15.00 costs to the act instead of the \$80 it asked and the \$14 Fisher offered.

N. Y. Vaude-Nitery Agent Group to Meet on Legislation After Jan. 1

Carroll's Spot

(Continued from page 35)

to build the shows here for a four-month stand at his grotto, and then route them into nite spots in Chicago, New York and London.

Carroll building is of reinforced concrete construction with auditorium spanning 12,000 square feet on floor space. Two revolving sound stages have been installed, one an 80-foot stage and said to be the largest of its kind in the world.

Carroll is getting \$2.50 for the table d'hôte dinner; drinks from 50c. up. Spot is open from 7 p.m. to 2 a.m., the legal closing hour for liquor sales. He hasn't decided yet whether to make a play for lunch or cocktail biz. Opening night tap, \$10 per head.

Picture industry is well represented on Carroll's board of governors. They include Darryl Zanuck, Harry Cohn, Walter Wanger, Harold Lloyd, Walt Disney, William Goetz, C. B. DeMille, Bing Crosby, Leo Carrillo, Julian Hazard, Earle C. Anthony, Norman Chandler, son of L. A. Times owner, and George McManus, cartoonist.

Another nitery spot, Florentine Gardens, a few blocks away on Hollywood blvd., near Gower street, is being readied for opening soon. Guido Brasconi, operating the lay-out, claims an investment of \$500,000 in the spot, which will feature dining, dancing and floor show.

Detroit, Dec. 20.

With biz well on the upbeat hereabouts, three new niteries have been added to the crop. Downtown Casino, under Sidney Berman, will light up Monday (26) as Detroit's first theatre-restaurant. Spot, occupying the erstwhile RKO showcase, the Downtown, will have Milt Britton's band and several flash acts on opening bill.

Imperial Club, in Imperial Hotel, opened last week. Frankie Donia, m.c., and Paul Henneberger's band top the card. Detroit-Leland Hotel opened its Grenadier Room last week.

B'KLYN, PHILLY HOUSES TO TRY VAUDEVILLE

The Rivera, formerly a Keith house, in Brooklyn, changes from straight film to vaudeville Christmas Day. Following opening bill policy will be two pictures and vaude.

Larry Clinton and other name bands are currently being offered dates. Spot will be split week with only the opening bill set so far. Initialer is NTG's unit, with the Slate Bros. (13).

Philly Theatre Back

Philadelphia, Dec. 20. Lincoln theatre, vaudeless, two years, will unveil again Friday (23). Will be operated on former policy of Negro talent plus subsequent-run films. House, owned by Morris Wax and associated interests, was used for Yiddish legit last season. Nixon's Grand, which operates on similar policy, has signed Louis Armstrong for New Year's week.

Lenny-Statlers Sail

Jack Lenny and the Statler Twins sailed from New York Dec. 15 to open at the Casino da Urea, Rio de Janeiro, Dec. 31. The Rio Bros and Three Bittencourts sail Feb. 15 for same spot while the Bryants leave for there Dec. 31.

Charles Allen office set deals.

Meeting of the Theatrical Agents and Artists Representatives Association, recently formed from nitery and vaude agents, will be called as soon as the license, department of New York has prepared new state agency legislation, which is designed to eliminate agent headaches. Expected that there will be activity on the legislation shortly after Jan. 1.

Latest developments, had License Commissioner Paul Moss wanting to raise the license fee to \$100 from present \$25. After objection it was dropped to \$50, where it now stands. Moss wanted also to raise bonding to \$3,000 from present \$1,000. When it was pointed out that no bonding company has ever been obliged to cover up for an agency, that idea was dropped in favor of the original figure. However, Moss insists on controlling 'apprentices' who, while not having their own licenses, would be permitted to operate from a licensed office for a \$10 fee.

There has been some squawking from agents on the raising of the license fee. They claim Moss promised not to raise the fee in order to get them licensed and that he's now upping the ante because he has them listed as agents. As such, they can't escape and must pay whatever amount is settled upon. Moss has also promised not to supervise books of agents, long a bone of contention. States all he'll require is that a contract on every deal be kept on file. New law will not demand that records and books be kept open to licensing department.

Moss is circularizing theatrical attorneys for purpose of licensing those who might be acting as agents also.

Attorneys have in the past acted without licenses as agents though it's never been proven. Agents have squawked repeatedly about the unfair competition and Moss promised that those whom he could catch would be prosecuted similarly to other licenseeless agents.

Philadelphia, Dec. 20.

Appointment of a license commissioner will be sought at the next session of the legislature by the Entertainment Managers Association. Agents, through the commissioner, hope to clean out an unhealthy condition in their ranks through the licensing of agents.

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Just Jolly Good Fellows

Waiters Strike; So Customers Serve Themselves at Harry Richman's N. Y. Cafe

A half-hour walkout on the new Harry Richman club, the Road to Mandalay, at the peak of Saturday night's (17) biz, was taken in good spirit while it lasted. The bartenders didn't join the waiters' union strike, so the customers helped themselves to beverage until service became normal.

Richman announced from the floor that a mixture of union and non-union service men caused the jam, and if they wanted to be 'real nice' they could go out and fetch their own drinks, etc. One party went to the corner liquor store and brought back a bottle. Within the hour, however, a quick settlement was effected.

Since opening Thursday (15), the new room, which cost almost \$200,000, has been getting the 'right people' to a \$1.50 and \$2.50 cover. Richman has 50% of the spot while he's in it, which will be until Feb. 15 or so, when he does his usual Florida hegira. The Wolf-Sharp hotel management run the niteray as part of their Delmonico hotel.

'INDECENT' SHOWS BRING SYRACUSE CAFE PROBE

Syracuse, Dec. 20. The damper was placed on Syracuse niterays this week by Chief of Police William E. Rapp, following complaints concerning 'indecent' shows. A special squad was organized to make checks on every spot in the city.

Squad urged to make particular check on the ages of some of the entertainers in the lesser spots for the purpose of nabbing those employing minors.

Loss of liquor licenses, seen for violators caught, would result in folding nearly every case, it's held.

Instruments Stolen

Rochester, N. Y., Dec. 20. Orville Jackson and Bennie Salowski, night club musicians, lost an accordion and guitar valued at \$375 when their auto was robbed here.

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Can't Eat Type

Tops for frank offer to trade coffee and cakes for white space in the newspapers is the letter sent out from Hotel Delmonico, N. Y., along with a three page story about Harry Richman's Road to Mandalay supper spot there. It goes:

If you will print the attached story and send me a copy of your publication containing it I will arrange a table for two on any Monday or Tuesday night (not a holiday) with our compliments. This will include supper and dancing and the show, but will not include beverages.

S. Jay Kaufman,
Publicity Director.

AFA GOES AFTER B'WAY HOUSES

Broadway vaudeilms will be met individually by the American Federation of Actors, it was decided this week. Theatre reps met collectively last week with the union.

The Roxy has been selected as first to be contacted, because, union states, conditions there are worse than in any of the Main Stem houses. Principals are not present concern of union because their problems don't nearly approach those of the line girls.

Union wants closed shop and \$60 scale for principals. Chorus pay hasn't been definitely set yet, though \$40 has been suggested.

Lucien-Ashour, Robinsons Set for Chez Paree, Chi

Lucien and Ashour and Robinson Twins go into Chez Paree, Chicago, opening Dec. 23. Booked by Paul Small of the Morris office. Milton Berle and Grace Barrie recently set on same bill.

Lou Breese orchestra holds over.

Negro Guild's 3G Net

After tallying the take, Negro Actors' Guild regards its first benefit as only a mild success. The 46th St. theatre (N. Y.) benefit Dec. 11 grossed \$6,897 on program and tickets. Expenses will reach \$5,165. Dailies refused to cooperate on publicity, according to NAG, which hurt. Box office prices were slashed after 7:30 p.m.

ST. LOUIS' REFORM WAVE

Cleric Threatens Law on 3 Niterays For Using Female Impersonators

St. Louis, Dec. 20. Three local niterays, whose identities temporarily are being concealed, are under the surveillance of Rev. Mary Ellis and a group of local femmes she has recruited in her campaign to eliminate moral violations. Unless the female impersonators are eliminated in those spots, she threatens to bring criminal prosecution.

Rev. Ellis created a furor recently when, after attending shows at the Garrick, the town's only burlesque house, she insisted the gals don more clothes and the salty skirts and strip tease acts be toned down or eliminated. The cleric has said she will demand the authorities enforce the law here that prohibits one sex from dressing in the clothing of another.

Appearing before the Civic Union, Rev. Ellis denounced Circuit Attorney Franklin Miller for his 'what she called a lack of interest in moral conditions. Body adopted a resolution calling on Gov. Lloyd Stark to start out proceedings against Miller as an officer 'unfit or unwilling to do his duty. Since her arrival here, Rev. Ellis has caused the arrest of a book store proprietor and the owner of a book news agency for selling 'indecent' literature. But prosecution has been stymied. A fund to enable the Rev. Ellis to continue her crusade has been raised by the reform element in this burg.

Palm Beach Set

(Continued from page 35)

num and open for first time for dinner as well as cocktail and supper.

Salvin reports nothing booked for Colony, set to throw on lights Jan. 25. Name band expected, possibly Eddy Duchin. The Colony is Palm Beach's A-1 place to be seen, with Everglades, private, having, same rep.

Everglades opens New Year's Eve under H. Dillman management.

Haunt of tycoons will feature Emile Pettit's band from Savoy-Plaza, N. Y., and George Rayburn Viennese group. Georges Metaxa comes in for three weeks in February.

Val Ernie's orchestra, long a Palm Beach fave, begins to read music in Jardin Royal in Hotel Whitehall Jan. 7, for cocktails, food and supper. Biltmore, Palm Beach Biltmore will have a Meyer Davis unit in Terrace dining room overlooking the lake. George MacDonald, taking over Whitehall and Palm Beach Biltmore from Doherty control, rumored to be making radical changes in entertainment policy of both hostilities. Biltmore gets Artists and Writers golf tourney in February.

Capt. Alastair McIntosh played in to manage Alibi Club for Berlin Griffin again. Spot on Worth avenue has been enlarged to seat 200. Opening set for Xmas.

Wert's Seaford Restaurant, which boasts of having the ocean in its front yard, was first to unshutter, now going into fourth week with music by Joe Collins. L. A. Wertheimer still wandering about Wert's backyard, shaking at the pushing slogan, 'From bad to Wert's.' Bath and Tennis Club, exclusive to quiet sun-seekers, opened under R. O. Middleton management. Toney place, private, with wildest excitement luncheon in the open.

Celebrity room at Sun and Surf still a fave cocktail slumming place for names.

Flags are flying over Breakers, the mammoth hotel in the colony, with a Meyer Davis unit. John W. Green and Carter L. Gardner, vet Flagler hotel men, are glad-handing again.

Big mystery surrounds Dunes Club on Belvedere road beyond Palm Beach Kennel Club. Reported \$50,000 investment being eyed by sheriff as gaming place over which there is a state verboten. The hounds, however, are ready to run Jan. 4 under legal pari-mutuel betting at the Palm Beach Kennel Club, with the hounds being snapped in photo finish this year for the first time.

Col. Bradley's Beach Club on the lake, under the eye of Barry Shannon, opens when 1939 rolls 'round.

Sparks' Paramount and Beaux Arts houses showed films for first time this season on Sunday (18). On cultural side, Helen Jepson is booked to sing with Roman Chorus, Palm Beach chorus, at the Paramount in February.

AFA Won't Help Members Signing With N. Y. AED Should Beefs Arrive

SEEK EMA, AED PEACE

AFA, TA Urge N. Y. Bookers to End Feud; Claim It Hurts Acts

The Theatre Authority and the American Federation of Actors will attempt to bring together two club-date booking factions in New York. In the interest of performers, both groups feel that the Entertainment Managers Association and the Associated Entertainment Directors, latter an offshoot of EMA, should bury the hatchet and work together.

This is no time for recognized bookers to be fighting among themselves, is opinion of AFA and TA, since the only ones who suffer are the acts, which are placed in the middle.

AFA, RINGLING REACH ACCORD

Before sailing for Europe Friday (16), John Ringling North concluded negotiations in New York with Ralph Whitehead, exec secretary of the American Federation of Actors, on a new union pact with the Ringling circus. Contract will probably be signed Friday (23) and will put about 1,200 circus workers back to work next spring.

Row started last summer caused premature closing of the circus in Scranton, Pa., June 21. Both sides have agreed not to divulge the terms of agreement until it has been signed.

AFA's suit against the circus, which sought to restrain it from operating under any conditions other than AFA, will be dropped.

Armstrong Band With Own Pic at N. Y. Strand

In conjunction with his picture, 'Going Places', Louis Armstrong makes a personal with his band at the N. Y. Strand, following Abe Lyman and 'Dawn Patrol' which goes in Friday (23). It's tentatively set for week of Jan. 6.

Armstrong will be co-starred with Bill Robinson, who's in from the Coast. Three Peppers also billed.

Members of the American Federation of Actors can expect no help from the union if, upon signing contracts with members of the Associated Entertainment Directors of New York, they find cause to complain against the club-date booker, according to Ralph Whitehead, executive secretary of the union. AFA recently niteray contracts proffered to acts by AED members, which certified right of the bookers to represent them exclusively.

Bookers were told by Harold Koenigsberg, Whitehead's assistant, that the contract was unacceptable because it guaranteed no work over a given period. AFA is continuing to sign acts in defiance of the AFA.

Contracts were first proffered to acts about a month ago and immediately were nixed by AFA on grounds that acts were bound but the bookers weren't. Members of AED stated that authorizations were their only means of combating chiseling bookers. With the contracted acts, they say, they could approve all dates accepted from other bookers and thus eliminate any price cutting on shows. No stipulation is made in the contract on AED members getting cuts from acts booked by others. The opposition group, the Entertainment Managers Association, of which AED is an offshoot, has stated that the contracts are only a means of throttling its members.

Contracts, incidentally, have been slightly modified to include a cancellation clause if no work is secured over a 30-day period.

Union will soon start franchising agents and question of whether or not AED members would be eliminated will have to be decided by the council, declared Whitehead.

ROBITSCHKE'S 3-A-DAY IN N. Y. PREEMS DEC. 30

Opening of Kurt Robitschke's three-day vaude has been again postponed, from Dec. 23 to 30, and house has been changed from the Ambassador to the Majestic. Show will be labelled 'Vaudeville Marches On' and is being presented in association with the Shuberts.

Lineup consists of Molly Picon, Al Trahan, Eddie Garr, 'Fats' Waller, Myra Johnstone, Laura Suarez, Bernice Stone, Mel-Toy, White and Manning, Gilbert Bros, and Vera Nargo, among others.

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 Ann Kirwin
 Helene Heath
 Chas Smith
 Jimmy Blake
 J Lynch Gls (17)
Parish Cafe

STANLEY, PITT.

Eddie Green, comedian, who's had a radio shot with Rudy Vallee, Geo. Wiltshire, John Henry and Vivian Harris, then team for the heaviest bit of production yet seen here. Skit portrays the capture of an Indian head man and shifts from a western street scene to a saloon. Henry, also

(Continued on page 41)

Night Club Reviews

GLASS HAT, N. Y.

Joe Venuti Orchestra (11), Andrews Sisters (3), Paul Rosini.

Now that they're waddling at the Waldorf and swingin' in the Sert room, Ralph Hitz figured there's no reason for keeping the Hotel Belmont's Glass Hat room particularly conservative. Thus comes Joe Venuti, regarded as a super-killer-diller, and the Andrews Sisters, justifiably famed as an advanced jazzie virtuoso. So, with his own combo, he's doing all right in this spot.

What makes Venuti click with the alligators, as well as the professional fraternity, is his informality, which borders on the screwball. He may hem the language when ad libbing the titles, but there's nothing stuttering about his swingology. He has a heated tenor that knows how to keep it under wraps most of the time, though it does get over-enthusiased towards the end of each set. He has a dandy team of swingers, including an out-of-this-world drummer, who looks and works like a fugitive from 52d street.

The Andrews Sisters (3) with their advanced swingin' first brought them to attention on the Decca disks, are in the proper groove with a combo like Venuti's. Paul Rosini, doubling from another room, the New Yorker rounds out the corking divertimento with some amazing magico. Rosini's suave style of working his card and ring illusions are as much an asset as the basic legdemaine.

Venuti already has become a collector's item among disk fans, especially his old peapod piano, in with the late Eddie Lang. Long before they called it swing Venuti and Lang were fathered by Paul Whiteman as exponents of an ultra-modern something in the style of the phonograph companies have been repressing some of the old recordings, labeling them with the original dates when "first recorded." Venuti-Lang's stuff merits that sort of reprise. Abel.

MOTHER KELLY'S

(MIAMI BEACH)

Miami Beach, Dec. 16. Owen & Parco, Warren, Ed Godee, Mickey Barrie, Bennett Green.

This spot, a favorite bar in the past, has been completely remodeled and is the first in the city to have a show. Heretofore, room was strictly a late spot, with no entertainment, but very popular for after-club naps.

There's a stage in the center of the bar, and 'Mother,' as Kelly is affectionately known to the habitués, is impressing with her genial personality. Since her first spot has done top biz on the Beach.

A singing duo, Owen and Parco, is the top attraction in the area. Team works slightly risky, but still stays within bounds. Owen, in front of the mike, while Parco accompanies, is particularly deft with material written by the team.

Warren and Godee, vocal swingers, keep the show running at top speed. Mickey Barrie, a baby-voiced canny, is okay, although her bad crotch when coming forward has a bit. Bennett Green, m.c., is satisfactory in his vocalizing and his presentation of the show is faultless. Thom.

BAL TABARIN, S. F.

San Francisco, Dec. 17. Gary Nottingham Orch. John Tio, Beverly Bemis, Modie & Lemoux.

Gary Nottingham, who for some years whipped a number of bands into shape for others to front, has decided to get some of the glory himself. Although someone else is waving the stick and m.c'ing, the orchestra is billed as Nottingham's directed by Roland Drayer.

Band is the typical hotel setup, distinctive in Nottingham's arrangement and not unlike Richard Himber in style.

Drayer is a blonde, with an easy manner and trained tenor pipes. He's currently warbling for NBC here, over which he has a regular cast from the Bal Tabarin several times a week. Drayer looks like a comer and will overcome a nervousness evidenced opening night.

The floor show, m.c'd by Drayer, is headlined by Beverly Bemis, local hooper, who formerly teamed in vaudeville with her brother, Billy. Bemis has youth and plenty of talent. John Tio, talking parrot, featured in the past on Rudy Vallee's and Ripley's air shows, presents an unusual act for a club floor show, and clicks.

John Tio answers questions asked by his master. It also does imitations of a dog's bark, a cat's mew, Bing Crosby, Eddie Cantor and Jimmy Igoe.

Modie and Lemoux, ballroom team, open and close the second show of the evening, making only one appearance earlier. The gal, tall,

slender redhead, is unusually good and is attractively costumed. They look well and get a good reception. The line of girls, long a feature at the Bal, is out. Biz here is bad, which accounts for their absence. Mill.

RIPTIDE CLUB

(MIAMI BEACH)

Miami Beach, Dec. 17. Al Parker, Harry Nestor, Wanda Dawson, Elaine May, Earl Leslie Orch.

Harris Levinson, long an operator on 23d street, the hub of Ben Hur niter activities, reopened his Rip Tide, and for the first time in the spot's history presented a show. Less said about it the better.

A Spot, heretofore, has operated on a smaller scale, with a sweet band, strollers and a girl vocalist. Such a setup is ideal, for this spot, and Levinson is considering yanking the show and reverting to the old policy.

Al Parker, m.c., has little to offer. Henry Nestor, baritone, is miscast here, since he has a concert voice and lacks stage technique. High spot is Wanda Dawson, whose warbling is okay. Elaine May pianos and vocals, but misses. Earl Leslie's orchestra is okay for dampsation. Thom.

FRANKIE PALUMBO'S

(PHILADELPHIA)

Philadelphia, Dec. 17. Frank Hall, Beth Calvert, Casper & Roth, Rodney & Gould, Line (6), Bobby Morro Orch.

Annual remodeling at Palumbo's has given it one of the most advantageous setups in the city for its show presentation. Show is neat, too much in the budget limited offering is held down to 35 smooth minutes.

Frank Hall m.c.'s and chirps well enough, warbling "We're All Fools Together," "Donkey Serenade" and "All Ashore," good choices. Beth Calvert is a satisfactory looker, but her strength lies in her song salesmanship.

Casper and Roth are a mixed terp team. Femme's blonde, but only so on phiz and gams. Stick mostly to fast tap, tossing in some adagio and aerobach in the latter. They are at least fairly original. Comedy supplied by Rodney and Gould, long and short-term. Get off to a good start with their comic appearance in brown derbies, race-track suits and difference in size. Sing a ditty, terp and end with knockabout. Lose considerable strength in gabbing. Would do much better if stick strictly to deadpan pantomime.

Line (6) makes two appearances, opening and closing the show. Gals are lookers, pretty well-garned and work in fair precision. Bobby Morro's six-man trot crew capably plays for show and terps. Herb.

Bermuda's Stock

(Continued from page 1)

Island to import a Broadway company. No names will be taken along, but a couple of about 10 young actors will be recruited, with the walk-on parts cast from among the members of an amateur group in Hamilton. Latter organization is erecting the theatre, which it will rent for the stock enterprise.

Idea is to play four performances weekly, since there are estimated to be sufficient audiences available for that number. Schedule calls for showings Monday, Wednesday and Saturday nights and Thursday matinees. New productions will be offered weekly. First bill is to be rehearsed in New York. If business for the initial 10-week season warrants, an additional stay is planned for the following July, August and September. Intervening months will be used for more plays and cast replacements in New York. Leaman figures on going to Bermuda about Jan. 1 to look over the start of the theatre construction and otherwise inspect the setup at first hand. He plans to buy a permanent residence on the island.

Idea of a stock company in Bermuda has been considered several times in the past, but always dropped because of the cost of erecting a theatre. Last such proposal involved the Surry Players, who have operated a strawth theatre at Surry, Me., the last two summers and last season produced "As You Like It" on Broadway. Dwight Deere Wiman, who has a home in Bermuda, was to have backed the venture, which called for a year-round schedule of Broadway, Bermuda and Surry, Me., engagements.

House Reviews

APOLLO, N. Y.

(Continued from page 40)

identified with radio, plays the badgie convincingly, as Wilshire the sheriff. Skit's well done. Kirby Walker tosses in okay pianology and vocals during this and in other spots. Green, Wilshire and Miss Harris do another excellent bit prior to the band entry. It, too, is devoid of blue tint.

Joan and Joan comprise a blonde tap team and draw favorable reaction. Fresh appearance impresses almost as much as their routines. Latter are standard for the most part, but well executed, varying from good union work to challenge.

Ovie Alstorf band works impressively after shift from pit to stage. While predominantly sweet, crew socks over a couple of hot tunes that are something. One, however, is so unlike previous and following numbers, that it's glaring and could be better. Excellent bit prior to the 'One O'Clock Jump,' similar to Benny Goodman and Count Basie's way of riding it.

After a slight informal, however, Alstorf's crew goes a bit too far. That reference is to the bass player. His antics are annoying, especially in the sweet ones and backing Froshie Stewart, crew's vocalist. Latter gets her tunes off in swell style and voice. Does "Cocquette" and "Old Folks" and could safely have piped more.

TOWER, K. C.

Kansas City, Dec. 20. Herbie Kay Orch. Wynne Fair, Fuzzy Combs, George Ramsby, Del Rio Trio, Don Cummings, Novak & Fuzzy Combs, "Down on Farm" (20th).

Although biz is typical of the season, house is offering a better than average show combining the youth full Kay aggregation and the Jones Family picture, which outstrips the usual run of films here.

Mostly content with a dance unit, numbering 11 players, and consequently is able to offer a variety of music as well as a large repertoire of novelty numbers.

Emceeing of the leader also a bit different, as his work is on the informal side and clicks with a less rigid and more down-to-earth appeal. Mostly content with a dance unit, numbering 11 players, and consequently is able to offer a variety of music as well as a large repertoire of novelty numbers.

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EARLE, PHILLY

Philadelphia, Dec. 16. Benny Davis Star Dust Revue with Rexer Twins, Lester (3), Earl & Bernie Mason, John Elliott, Leonora Coltons, Don Bon Buddy, Three Freshmen, Lou Schradler, house orch. "Hard to Get" (WB).

Regularly as Santa appears on the corner at Christmas, the Rexer Twins, Lester (3), Earl & Bernie Mason, John Elliott, Leonora Coltons, Don Bon Buddy, Three Freshmen, Lou Schradler, house orch. "Hard to Get" (WB).

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GILL AND BERNIE MASON Dancing, Dogs 10 Mins. Earle, Philly.

This turn easily carries off top honors in the new Benny Davis revue at the Earle. It has pretty much everything it takes to please practically anyone, although it could use building up somewhat by additional material and perhaps more dogs if it has to stand alone without the aid of the surrounding revue.

Essentially an animal stanza, it gets under way with an exceptionally smart-looking boy and gal in colorate garb briefly hooding in current jiggerbug style. Femme tricks off and guy calls his dog, Benny. Medium-sized canine comes lazily out of the wings. More tricks and it to hurry, the slower it walks. When it finally arrives in the center of the stage, it is put through its paces, responding to each order by doing the opposite. Although pup is plenty good, briefly smoking a cigaret, among other things, it's not so much a dog in a variety of tricks as many other stage animals. Strength of the act lies, however, not altogether in the dog, but in the line of well-patented exceptionally neatly gagged, which the kid gets off working with it. His clean, youthful exuberance also helps.

Second pup, a chihuahua, much smaller in size, is brought in by the female. Adds up numbers for a gag by making a red light in its tail flash (via a leash in the gal's hand). Also balances on the wings. More tricks and stands on hind legs for as long as five minutes at a time. Meantime, lad produces a tiny chihuahua, which also does some balancing, then streaks off the stage in opposite direction when it is sicked on Benny Davis. Team's hoofing finale takes them off.

THREE FRESHMEN Knockabout 8 Mins. Earle, Philly

One of the better turns of the new Benny Davis revue which started on tour this week. Needs plenty of work. It's yet, but set will compare favorably with such well-knowns of this type as the Three Sailors. Has an advantage even over them, however, in the sense of spontaneity and comparatively good looks of the lads, giving it more class.

With two medium-sized guys and one girl, one Freshmen succeeds in grabbing the attention of the audience by their hand balancing, terrific falls, tumbling and general slaparound. One of the primary elements they lack is some of the stuff they need to fail to provide the proper buildup for their bits. Much more important, though, is their poor timing. We saw the qualities of the Ritz Bros., they fail to click anything like the better known zanies who depend so much on excellent timing. This trio does the unexpected, almost always timing off their gags. Too, all their actions need a general speeding up, which, like the timing, should be gained with experience. Herb.

so tappers. Meddore appearance isn't aided and by a silly type of costume. The Rexer Twins follow. Native Philadelphians, they're pretty w.k. here, for a long time on KYW and having appeared at the Earle before in the KYW Revue. They're making a hit with the mike and one at Tom Thumb piano, is marked by good arrangements, but very little else. Davis' hope of setting one of the femmes the proper distance from the mike is particularly annoying here, inasmuch as she's probably warbled into more of 'em than has.

Ted Lester needs some additional routine worked around the essentials of his turn, but is one of the best of the newcomers, playing a variety of instruments drawn from his pockets and a cane. Act has novelty and deftness, but patter would help. Femme tabbed Leonora does mimicry of Hollywood names, several good ones, but weak as a whole. Some of them a bit too obscure. Coltons do a comic knockabout waltz routine. Fairly humorous all the way through.

Davis is pushing John Elliott as a romantic baritone. Tall, blond lad is certainly an eyeful and gets 'ahs' from the femme trade, but is letting much of the good timing go by the numbers. Hasn't range, volume or flexibility for such things as 'I Love a Parade,' 'Heart and Soul,' 'Night and Day.' Would be a pipe as a crooner of stuff like 'I'm Grateful.' Worthy of watching. Best turn of the show is provided by Gill and Bernie Mason (New Acts) ar' their dogs, as comedy, class and finish.

Bon Bon Buddy, a kid, is a star at the piano, and waxes hot on 'F.D.R. Jones' and 'Ole Man Moses' sizes up as fair. Three Freshmen (New Acts) are a bit trio, combining the antics of the Three Stooges and the Ritz Brothers and have it stuff. What they need is expert guidance. Davis' finale with the usual line of songs he's been doing adds a anticlimax in a slow one of the recently written, 'I'm Grateful to You,' which takes the edge off and should be dropped or routinized before the other set.

NEW ACTS

THE COQUETTES With Viola Smith, Frances Carroll, Terry Corrigan, Kay Hamilton 30 Mins. State, Hartford

Co-operative all-girl band that has been playing the midwest for eight years under a variety of names. First theatrical date for the unit, consisting mainly of youngsters. Band is strictly brass and is mainly for the uttering traffic. Feature of the unit is Viola Smith, trappist, billed as the 'female Gene Krupa.' Gal is placed in a prominent spot, being stationed on a high platform to the rear and above the band. In a couple of numbers she beats the skins solo. Of course, she lacks the finesse and polish of Krupa.

Frances Carroll, a looker, waves the stick in front of the band along the Hutton style. N.s.h. as a singer, but personable. She vocals only one song. Terry Corrigan, rug cutter, in solo spot, gives an exhibition of a jitterbug on the loose. Also taps. Kay Hamilton, vocalist, possesses a nice set of pipes. Presents her songs in a simple, direct manner, though her voice is more stentorian. Eck.

ED RICKARD Shadow Pictures 8 Mins. Show Bar, Forest Hills, N. Y.

Her is a novelty for the better nities. Ed Rickard, east after film bits in "Doubt," "Nothing," "Souls at Sea," works between a portable opaque screen and a two-carbon light, manipulating his hands for unmet effects.

Numerous small props are used for atmosphere and minnie slides attached to a headband are flashed in front of the light and announce the number and cast on a back fence. Accessories are moustaches, hats and a queue in the sequences wherein a Chinese visits a dentist to have a tooth yanked. Good comedy buildup in this number, but the dentist having trouble getting out the molar. Finally manages it with a wrench.

Other neat bits are 'Harlem Flirtation' and a cat on a back fence. Rickard is dexterous and versatile and the act moves along rapidly, against a background of subdued music, for a solid salvo at the close. G.B.

TEMPLE AND LAUREN Danolus 7 Mins. Nixon Cafe, Pittsburgh

Couple of class newcomers in burlesque. Temple and Lauren are distinctive to set them apart from the pack, but they have everything with which to do it—looks, class, grace and a natural terp finesse. Gal is particularly an eyeful.

Routines of Temple and Lauren are still pretty conventional, but they make even the ordinary look good. He's a lot of ease and poise, makes a dazzling appearance, male is a sleek Latin type and do a waltz, a little collegate flurry and some pirouette spins all in flawless fashion.

Just a little novelty for a trademark and they should be on the way. Cohen.

GIBBONS AND CARROLL Dancing-Singing 7 Mins. Apollo, N. Y.

Dance team employing a copy of Moore and Revel and other turns at burlesque. Gibbons and Carroll, it's not of the calibre and smoothness of the topnotchers at the same game, but is nevertheless suitable for clubs, etc.

Fair tip off the knockabout terps with an opening tune. It's a parody in the melody of "Two Sleepy People" with the words switched to "Two Drunken People." Lyrics are comical.

NATALIE GILBERT Dances 7 Mins. Show Bar, Forest Hills, N. Y.

Undistinguished tapping is aided by the routine switch between the two expressions this gal manages to essay: a straight smile alternating with a look of injured innocence. "Fussie" is her best number but she isn't the type for bumps and could do better with straight rhythm work, if properly costumed and routinized. G.B.

DEANE JANIS Dances 5 Mins. State, N. Y.

Although she has previously been known only in radio, Deane Janis knows her "cat" talk, and has a pleasant-though unspectacular personality. Agreeable voice, clear enunciation, ability to sell a number of "cat" tunes, and choosing her songs. Manner with a mike is skillful.

Miss Janis will do for either vaude or nities. Hobe.

Audience-Reaction Plan for Legit Up Again; Salvage In-Betweeners

Scheme to bolster in-between Broadway shows by publicizing audience reaction, so as to counteract unfavorable reviews, is being mapped. Idea is to buy out the balcony or mezzanine for all openings and, by distributing cards through the audience, gain an average player's opinion of play. Annette Schein, theatre-party organizer and occasional producer, is sponsoring the plan, which involves co-operation with producers and the dailies. She would work through the Theatre Forum Alliance, an 'intellectual' playing group.

Idea would be to have the producers include in their ads opinions of audience members as well as quotes from the reviews. It's hoped that such a policy would find an audience for plays that are too weak for hit reviews, but are fair entertainment.

Pointed out by several persons connected with Broadway management that the New York Post for several seasons sent a reporter to the openings and printed his summary of opinions gathered from members of the audience. Although the consensus of playgoer opinion occasionally conflicted with the critic's review, the paper's practice had no noticeable effect on the box office. Paper has since discontinued printing such a feature on the theory readers didn't read it.

Although there used to be an audience for in-between shows, that condition no longer exists. In recent seasons there have come to be only two classes of shows—hits or flops. Shows able to buck the critics are uncommon. A notable exception was 'Tobacco Road,' now in its sixth year on Broadway.

If the public believes a show isn't worth the regular price, not even cut-rates will save it experience has shown. It has also been observed that some in-and-out shows that happen to get unanimously favorable notices have only brief runs. They start with a rush on the strength of the reviews, but when the subsequent word-of-mouth isn't favorable, the shows quickly peter out.

Miss Schein was the producer of 'The Life and Loves of Dorian Gray' several years ago and of last season's 'Driftwood.' She points to the loss of several theatre parties so far this season, through closing of shows by critics' reviews, as instances where there was a public demand, despite the press comment.

3-Acquitted of WPA B.O. Irregularities Ask Return of Jobs

Applications have been made for the reinstatement of three WPAers acquitted of ticket irregularities in Federal court, Brooklyn, last week. Trio was connected with the relief outfit's circus. Theatrical Managers, Agents and Treasurers union acted for the trio, suspended six months ago when charges were first made.

If they are reinstated, the men would have the right to apply for back pay. Abe Halle, manager of the circus, drew top wages, and his claim would approximate \$1,100. Julius Spector, treasurer, and Joseph Harris, tickettaker, will seek appreciable amounts also.

Paul Edwards, administrator of the New York Federal Theatre Project, is reported to have stated recently that favorable consideration would be given the cases if the men were exonerated.

Wally Ford Set For W-K-Howard '39 Play

Next appearance of Wallace Ford on the Broadway stage, since 'Of Mice and Men,' will be in 'Harry,' new play by Earl Fawcett, which William K. Howard, the film director, will produce early in 1939.

Contracts for the production were signed last week (16) with Richard J. Madden representing the author, and William Jaffe handling details for Howard.

Huston, Gabel Consider Producing Oboler Play

Arch Oboler, legit. film and radio writer, has completed a play, 'Doctor Croton,' which is being considered for production by Walter Huston and Martin Gabel. Understood neither actor is interested in appearing in the drama, which is based on a controversial medical subject. Gabel is also scheduled to produce 'Lo and Behold' with Mrs. Carly Wharton.

Oboler, who returned from a film scripting stint in Hollywood about three months ago, has also written a Christmas play, 'Bread on the Waters,' on commission for the Columbia Workshop, and CBS will air it tomorrow (Thursday). In addition, his anti-dictatorship and anti-war drama, 'The Signal,' will be broadcast Friday (23) over Mutual. Latter piece was originally scheduled by both NBC and CBS, but was dropped because of its topical nature.

'GREAT LADY' IN RED FOR 180G, TOP FLOP

Closing of 'Great Lady' at the Majestic, New York, Saturday (17) after playing two weeks and three nights represented one of the season's most costly failures. Show is estimated to have gone into the red for \$180,000. Whether that included \$60,000 reputed to have been used to meet contractual obligations when Frank McCann was preparing to produce the opera is not clear. Underlying Robert L. Hague was a backer when Cruttmitt owned the rights.

'Lady' was presented by Dwight Deere Wiman and J. H. del Bondio. Stated that the production outfit was made up Wiman alone, although others were mentioned as having been concerned, including Jock Whit-

GREAT LADY

Opened Dec. 1, '38. Opinions divided. Coleman, (Mirror) said it was 'beautiful, but dull.' Mandel (News): 'A pleasant evening.' Variety (Ibex): 'Inclinations point to limited chances.'

ney and Louis Lurie, the latter a wealthy San Franciscan. Former was said to have been in on Wiman's 'On Borrowed Time,' which fared very well on Broadway, but was recently called in from the road after only moderate business.

Shows in Rehearsal

'Stars in Your Eyes' (It's All Yours, 'Swing to the Left')—Dwight Deere Wiman.

Henry IV—Maurice Evans.

'The American Way'—Sam H. Harris and Max Gordon.

'Set to Music'—John C. Wilson.

'Mamba's Daughters'—Guthrie McClintic.

'Everywhere I Roam'—Connelly and Blau.

'The Primrose Path'—George Abbott.

'Dear Octopus'—John C. Wilson.

'Gentle People'—Group.

'Don't Throw Glass Houses'—Contemporary Stage.

'The White Steed'—Eddie Dowling.

'Bright Reel'—William Kilcullen.

'Angela Is 22'—John J. Wildberg.

'Michael Drops In'—Massey and Elkins.

'Importance of Being Earnest' (revival)—Aldrich and Myers.

Community Theatre Aid

Montevideo, Ala. Dec. 20.

By a Federal grant of \$30,000, dramatic activities in the smaller communities of Alabama are to receive professional guidance from a drama service bureau under the sponsorship of Alabama College of this city.

Bureau is to operate on a statewide basis, as counselor to teachers and directors of drama.

Current Road Shows (Week of Dec. 19)

Ballet Russe, Auditorium, Chicago.

'Merchant of Yonkers' (Jane Cowell-June Walker), Colonial, Boston.

'Susan and God' (Gertrude Lawrence), Harris, Chicago.

'Tobacco Road,' Cox, Cincinnati.

S. F. FAIR GETS EQUITY RULES

Working conditions have been established by Equity for dramatic repertory proposed for San Francisco's Golden Gate Exposition. Same regulations will probably apply to New York's World's Fair. General plan is for condensed versions of plays, to be played within an hour.

Repertory would consist of four plays, to be rehearsed four weeks, with the usual pay for rehearsals applying. Players would receive at least \$40 weekly. If there should be more than three performances daily and 21 weekly, there would be no extra increases for the entire cast. Players would not appear more than 48 hours weekly.

Equity's Coast division has been advised of union requirements should the colored 'Run Lil' Chillun,' a WPA-er, be switched to a commercial tie-up. The plan was mixed by Equity, among other stage unions, and the WPA has decided to keep the show under its auspices. Should 'Chillun' go commercial, however, players must belong to Equity and the association's minimum salary would have to be paid. Regular wage scales for stagehands, musicians and other stage unions would also apply.

WRITER SEEKS BALM

Rip Sues Printemps, Boucher for 15G in 'Renegé' on Paris Production

Paris, Dec. 12.
Rip, of the Rip and Willemetz revue-writing team, is suing Yvonne Printemps and Victor Boucher, co-directors of the Theatre Michodiere, for 500,000 francs (about \$13,330). Origin of suit dates back to 1933 when Rip wrote a revue, later revising it with Willemetz, which Miss Printemps and Boucher allegedly were going to produce at the Michodiere.

Date set for premiere was Thursday (15), but the co-directors have declined production because Rip and Willemetz have another revue running at the Bouffes-Parisiens. Rip calls that an insult to the writers' ability, meaning that Miss Printemps and Boucher think he and his partner can't write two revues that will run successfully at the same time (or maybe it's all good free space).

Future Plays

'Scandals,' George White's first revue since 1935, bows in March. Book by Edwin Gilbert, Jay Gorney, Donald Gibbs; lyrics by E. Y. Harburg and Gorney. White is now on the Coast, huddling with Gorney on casting.

'One for the Money,' intimate topical revue by Nancy Hamilton, with songs by Morton Lewis, is set for Broadway presentation. Producers will be Robert F. Cutler, who tried it out last summer at his Sufferin, N. Y., strawhat; Stanley Gilkey and Gertrude Macey, of the Cornell-McClintic offices. Understood John Hay Whitney money will back it. John Murray Anderson will stage, with Robert Ross directing the sketches. John Koenig, who did the original sets at Sufferin, will probably design the production.

'Little Foxes,' by Lillian Hellman, follows 'Merchant of Yonkers' on Herman Shumlin's schedule. Play, which gets its title from quotation from the Song of Solomon, will star Tallulah Bankhead.

Todd's British Play

Hollywood, Dec. 20.

Michael Todd is combining Hollywood for names to head the cast of his British legit. comedy, 'The Astor House Ostrich.'

Planned to tour play before taking it into Los Angeles and New York.

Kondolf Says N. Y. FTP Lacks Talent, Thus Causing Production Letdown

DeFore Critically Ill In New York Hospital

Don DeFore, young actor who recently came from the Coast to appear in the short-lived 'Where Do We Go from Here?' at the Vanderbilt, New York, is in a critical condition in a N. Y. hospital, with peritonitis. He was reported slightly improved yesterday (Tuesday), but still suffering intense pain.

Actor was taken ill Wednesday night (14) and after being under a doctor's care, was removed Saturday (17) to a hospital, where his appendix, gall bladder and a stomach ulcer were removed.

WPA PERSONNEL HIKE SOUGHT BY EQUITY

At Equity's meeting Friday (16) in the Astor hotel, New York, a resolution was adopted that messages be sent to Washington asking that the relief theatre personnel be increased and that no cuts be made. Early last week WPA heads withdrew an order to slice 25% of the people from the payroll.

It was also proposed that an arrangement be worked out whereby Equity membership cards would be recognized by other artist unions in the Associated Actors and Artists of America, the parent performer union, instead of the present interchangeable rules. Latter stipulate that when a legit goes into another performing field he must join the union having jurisdiction over that field. Performer would pay difference in dues should that be necessary.

Arthur Byron, Equity's president, presided for a time at the association's quarterly meeting. Player was taken ill with an ear affection recently and, while virtually recovered, has been ordered on a strict routine by doctors.

'Clowns' Perplexes B'way Critics; Some Back for 2d Reviews

Broadway critics were frankly puzzled over the meaning of Philip Barry's 'Here Come the Clowns,' in which Eddie Dowling is playing his most serious part, at the Booth, New York. To date, two have written second notices, the others also indicating they would cover the drama again. Since opening the play's routine has been changed and the performance is given in two acts; formerly, it was in three.

Richard Watts, Jr., in follow-up comment in the Herald Tribune, regarded 'Clowns' as the most provocative play of the season. Brooks Atkinson's scented notice in the Times yesterday (Tuesday) morning, contradicted the original review, mentioning 'the play's beauty,' which emerged from 'the vexations of the first night as the author's finest work.' Critic repeated, however, that he's unable to follow the author into the region of submission and devotion or to understand precisely what he means.

'Clowns' started moderately well and business is claimed to be steadily improving.

Miami's Strawhatter

Miami, Dec. 20.

Strawhat theatre has returned to Miami. Cloyd Head, formerly with the Goodman Art Theatre, Chicago, has organized a group which recently presented five one-acters as its first effort.

Next offering, in Coconut Grove, will be 'Yes, My Darling Daughter,' Group handicapped by lack of a theatre. Last production was staged on the roof of the A' azar hotel, with seating capacity of only 100.

Complaints against the Federal Theatre Project in New York drew the spotlight in Equity circles last week. Principal complaint was WPA group's lagging production this season. An explanatory letter was received from George Kondolf, production director, in answer to the complaint.

Though Kondolf's contentions may sound convincing, Equity questions his more important points. It was the first time Kondolf had stated his position in detail and his offer of well-coming suggestions from Equity is expected to be accepted. Stated that up to now it has been difficult to attack the director and his explanations of the delays had been obtained.

Reported that a year ago there were 80 actors in the 'Pool' (Provincetown Playhouse), where players await assignments, and currently there are around 300 awaiting call for rehearsals. Figures were mentioned to refute Kondolf's claim that there is not enough talent on the coast. By inference, that was taken to mean that the type of players desired are not on the payroll.

Arouses Resentment

While that probably includes part of the situation, it aroused resentment among the players in WPA. They have objected to being kept idle, forced to rehearse the same scenes for months, after which the shows are indefinitely postponed. Players pointed out that the project was for relief and that the performances not only afford the way to express themselves but there's always the chance that they may be seen and given engagements commercially.

Equity's Council, after listening to a WPA delegation last week, decided no names would be mentioned in a complaint sent to Hiram Fitzgerald, national FTP director, and Paul Edwards, administrator of N. Y.'s FTP. Kondolf, however, desired to explain his side and his letter followed. It was in answer to Equity deputies in WPA, who charged him with 'ignoring the fundamentals on which FTP was founded, and who asked that he be replaced.'

Sought B'way Standards

Deputies said that Kondolf concentrated on attempts to put on shows approximating Broadway standards and passed up other stage activities, including Negro and children's theatres (colored 'Androcles and the Lion' opened Friday (16) at the Lafayette, in Harlem, and 'Pinocchio' is a holiday attraction at the Ritz). Directors argue that there are not enough theatres under lease to provide spots for the new plays accepted for production and he's retarded because of that and casting handicaps. He also claimed that shows held over from last season prevented the new shows from going on as scheduled.

One of the main issues in the dispute is the record of pay in getting 'Sing for Your Supper' on the boards. It's now promised for next month. Revue is rehearsing at the Adelphi, which was darkened by the withdrawal of 'One Third of a Nation.' Closing of the latter was regarded as necessary in order to get 'Sing' into playable shape. However, the show has been in rehearsal, in one form or another, for considerably more than a year.

At Equity's quarterly meeting Friday (16), the WPA situation was finally referred to the Federation of Arts Unions committee, whose visit to Washington last week to protest proposed personnel cuts resulted in rescinding the order.

Landlady, Bowling Pards Have Cuts of Royalties

William Bowers, author of 'Where Do We Go from Here?', which closed recently at the Vanderbilt, N. Y., owned only 30% of his rights in the play. He lost 10% to Robert Holbert, an architect, in a bowling match in Los Angeles last summer during rehearsals for the show's tryout and gave another 5% to his landlady in lieu of board. Other 55% went for similar items.

When Bowers received his first \$175 advance royalty for the Broadway presentation of 'Yes, My Partners' all pounced on him for their share. He has had several nibbles from Hollywood for the film rights, but wants a good price, since he'll retain such a small percentage.

Equity Slashes List of Mgrs. Exempt From Pay, Fare Guarantee Deposits

Ultimately, Equity will require all managers to deposit security guaranteeing salaries and transportation of players in road shows. The number of managers exempted has been cut and there will probably be no additions to the exemption list. There has been none for the past 10 years or more.

Recently, eight names were stricken off, leaving 25 remaining, the latter including only the more active producers. Reason for eliminating the others was mostly because of inactivity. However, there still remains a number who have either presented no shows in recent seasons or have no intention of doing so.

Because of the requirements, whereby managers taking shows out of town must post two weeks' salary and return fares, there presently are almost no standings among managers, a situation contrary to former seasons when road shows were highly profitable. Some of the older showmen frankly admit having taken chances in the past when touring plays, but Equity was not as strong at that time to demand what is presently specified.

In the past season or so, shoe-string production has been reduced to a minimum and might partially explain the dearth of shows on Broadway this season, since guaranteeing salaries is just as much a requirement as on the road.

Managers who may no longer produce without posting security with Equity are William Harris, Jr., Charles Frohman, Inc., George Tyler, Charles Hopkins, Charles Wagner, Walter Hampden, Eva La Gallienne and Kenneth MacGowan. Latter, formerly a newspaperman, has been on the Coast for many years. Hopkins has been with the Federal Theatre Project. Wagner got jammed up with the Coast revival of 'Porgy and Bess,' refusing to make good on a guarantee, but he finally paid off. Miss La Gallienne and Hampden are occasional stage managers.

In most instances those not required to post guarantees have rarely called for arbitration of salary disputes and none has defaulted on salaries. A threatened actors strike in 1924 was prevented when a group of managers, headed by the Shuberts, signed a 10-year pact with Equity, the latter being guaranteed that arbitrated salary claims would be paid by that managerial association. Those not in the group were required to post security but Equity reserved the right to name an exempt list of other showmen not allied with the Shuberts.

There were several costly runouts and showmen in the association had to pay off the claims. Eventually, the pact was scrapped prior to its expiration, both sides claiming breaches. Currently, there's a basic agreement in which all managers are included. It's dependent on the enforcement of the ticket code but salary matters are not included in the deal.

SHAKESPEARE'S SPICY 'MEASURE' FOR B'WAY

Helen Hayes-Ruth Gordon-Charles MacArthur revival of 'Measure for Measure' is a possibility for Broadway next season. Actresses would not appear in the comedy, but are reported considering producing it with MacArthur, Miss Hayes' husband. Miss Hayes and Miss Gordon witnessed a special private performance of the play last week at the Martin Beck, N. Y., by members of the 'Victoria Regina' company. MacArthur did not attend, but on the recommendation of the two stars he tried to arrange another performance for agents and Broadway managers. However, several members of the company believed themselves miscast and nixed the suggestion.

'Measure' is one of Shakespeare's spiciest comedies and the Hayes-Gordon-MacArthur combination believe it would be a natural for Broadway popularity if given a strong cast and production. After the forthcoming 'Victoria' tour, Miss Hayes will be inactive the rest of the season, but is reported to have a play in mind for next season. Miss Gordon is slated for John Golden's production of 'The Birds Singing.' MacArthur is co-author with Ben Hecht of a new comedy which Gilbert Miller may produce this spring.

You Figure It Out

Stagehand and Theatrical Managers, Agents and Treasurers unions are reported agreed on picketing the French theatre, showing regularly at the Barbizon Plaza hotel, New York. Management contended the venture is an amateur one and so should not come within union regulations.

Admitting that the players, who came from France, are professional, management countered by claiming they're the 'amateur' part of the setup.

Merk's 'Kings' Off; Guild Preps 'Jeremiah' Next

With the status of 'Five Kings' indefinite, the Theatre Guild's next production will be 'Jeremiah,' which goes into rehearsal next week. 'Kings' was to have been produced by the Mercury Theatre group in association with the Guild, but the earliest tentative date for showing would have been in February. Mercur has not advised the Guild that there's any change of the plans, other than the postponement. It will not reach the boards, however, until after Maurice Evans' 'Henry IV,' due at the St. James, New York, Jan. 30. Latter deals with virtually the same period in English history covered by 'Kings.' The Evans company is laying off 'Hamlet' this week for 'Henry' rehearsals.

'Jeremiah' will not be shown at the Guild theatre, which re-lights next week with Herman Shumlin's production of 'Merchant from Yonkers.' (Continued on page 45)

Signed by Lunts

Thelma Schnee, graduate of Carnegie Tech drama school here last February, signed by the Lunts as general understudy for their acting company and also for role of Nina in 'Sea Gull.'

She replaces Uta Hagen, latter quitting upon becoming bride of Jose Ferrer, actor. Miss Hagen, however, will do 'Gull' next month in Chi, withdrawing permanently after that.

Music and Lyrics To Feature New Coward Show; Has 17 Songs

'Set to Music,' the Noel Coward revue, which John C. Wilson will present at the Music Box, New York, Jan. 16, is almost entirely a tune and lyric show, with no dances, except for a bit at the finale. Beatrice Lillie, who will be supported by an all-English cast, will have four principal numbers. There will be but two skits and the score will consist of 17 old and new numbers.

The music will dominate, and the orchestra will play for an hour and five minutes without cessation from the overture. An eight-minute skit will be the first breather before the end of the first act. Six numbers were in 'Words and Music,' produced in London by C. B. Cochran several seasons ago. Another is out of Coward's 'Operetta' done in London last season. Rest are new.

'Music,' which debuts in Boston Monday (26), will have 10 showgirls who will neither sing nor dance. Several were brought over with the cast, the balance being American models and mannequins.

Sole dance bit is a solo tap number slated for Winthrop Dudley, said to be a son of Blde Dudley, former columnist and now a radio drama critic. His daughter, Doris, is currently in 'Here Come the Clowns,' Booth, N. Y. Young Dudley sports a fright-wig shock of red hair a la Harpo Marx. He was given a spot in the show by Coward who caught him in an audition.

Wilson will also open 'Dear Octopus' in Boston next week, it coming in ahead of 'Music' at the Broadhurst.

League Seeks to Halt Outright Sales Of New Year's Tickets to Agencies; Probes 'Digging' at 'Hellz' Boxoffice

Adding Insult

Boxoffice man was called before Federal officials in New York for questioning by Litwin and Nolan who have been investigating ticket matters for the past 18 months. When told there was an assessment against him, the treasurer said he was broke and wondered if he could get a touch from the Feds. They chased him out of the office.

Reserve Verdict On Pleas of Two Ticket Violators

Status of the appeal from the imprisonment sentences for ticket violations of Phil Guilan and Sam Bloom, of the Leo Newman ticket agency, awaits a ruling by Judge Martin F. Manton in New York Federal court. They contested the Government's assessments against the agency on the ground that it constituted a 'tax upon a tax.' Court said if the law was wrong, brokers should seek a change in Washington. When Judge John C. Knox passed sentence last spring he decreed that while the men were to get six months, one could serve first with the second to serve his term following the first's release. In that way, he figured, the business would not be impaired by the absence of both at the same time. Court advised the defendants to toss a coin to decide who would take the rap first.

It appears that their attorney (Continued on page 45)

League of New York Theatres is trying to settle two problems in connection with the ticket code, one dealing with the outright sale of tickets for New Year's Eve performances on Broadway, the other concerning complaints that tickets for certain attractions were difficult to obtain at the boxoffice. Possible that the League will act against one of its members, on the latter or both counts.

League contends that the public can obtain desired tickets for all shows at the boxoffice if willing to buy far enough in advance. Complaints have been made that such is not the case, particularly for 'Hellzapoppin' at the Winter Garden, where prospective purchasers were told tickets were available only for performances 10 weeks in the future. House management (Shuberts) is said to have explained that the demand for tickets is so heavy that it could not accommodate all those seeking admission in the near future.

Under the code theatres are required to hold 25% of the tickets at the boxoffice for direct sale, but it was intimated the rule was not being followed. 'Hellz' is regarded most highly by agencies, and therefore the boxoffice has been the target for more 'digging' than for any other show of recent seasons. Whether accredited brokers are getting many of the tickets so obtained is not certain. Claimed the 'diggers' are mostly operating for the smaller ticket people.

Complaints also apply to regular agencies concerning the same attraction, mostly over the unavailability of tickets for more than two weeks in advance. Brokers deny they are withholding tickets for future performances and claim they have not the accommodations for more than a two-week supply for all shows. Rules originally called for agency allotments to be limited to two weeks, but they were changed, making it discretionary among the individual managers.

Tickets for New Year's Eve were sold outright to brokers for some shows, and the agencies assumed the 75c premium limit would not apply. League promptly ruled such transactions were evasions of the code and ordered theatres to return the money to the agencies, with the tickets obtained by the latter to be regarded as regular allotments. Reported that the refunds were made.

New Year's Eve performances are usually the biggest draws of the season, but because of the upped prices, agencies taking tickets on allotment aren't exceeding the number handled for regular performances, because all such extras are not returnable. Last week the League secured possession from an agency of tickets purchased for double the boxoffice price, \$8.80 being charged for a \$4.40 show. Agency is one which did not sign the code and the sale, therefore, was not a violation.

BASCOM RETURNING TO TICKET AGENTING

George Bascom, formerly one of the major ticket brokers in New York is returning to that business. Several years ago he experienced financial reverses and his string of agencies was absorbed by McBride's. Recently, however, McBride's re-incorporated so that the Bascom spots became a literal part of the whole, thereby releasing him to use his name for ticket activities.

Bascom had operated principally in class hotels and is re-starting at the Park Lane. Several exclusive clubs will also be supplied.

Greenwood to Revive 'Letty' on the Coast

Los Angeles, Dec. 20. Charlotte Greenwood starts rehearsals here this week in 'Leaning on Letty,' legit revival to reopen El Capitan, dark for stage shows during last two years.

Miss Greenwood appeared in the same play at the same house three years ago.

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Inside Stuff—Legit

Most of the original company of 'Pins and Needles,' which had been on tour, is back in the show at Labor Stage, N. Y. Road dates continue all this week. Several new numbers have been inserted in the show with others slated to go in. A new edition of 'Pins' will be announced shortly.

Lunts 19G, Cohan \$25,000, Chi; 'Susan,' 13G, Now Soloing; 3 Due

Chicago, Dec. 20. Only one play currently operating in town and that is 'Susan and God,' which is in its final fortnight at the Harris.

George M. Cohan and the 'Tid Ratter Be Right' company are resting this week after turning in four smash sessions in the Auditorium during which they grabbed \$160,000, an all-time four-week gross record.

Chicago legit. While the last week's gross skidded on the pre-holiday ice at \$25,000, Cohan nonetheless could have stayed in town several weeks longer, despite size of the stadium.

Lunts are on a vacation currently after two weeks of 'Amphitryon 38.' Will be back on Monday (26) to continue with the comedy for another fortnight, following which they will do a \$20,000 gallop of 'Sea Gull.' Business has been excellent for this show.

Another lay-off is current for 'Whitecaps' which quit town Saturday (17) after three poor weeks. However, Ethel Barrymore had been doing well in other road spots, and the intention is to continue one hour after.

On the Christmas week docket are several openings. 'Shadow and Substance' comes into the Selwyn on its own on Dec. 26. On Christmas night the Federal Theatre will re-light the Blackstone for a revival of 'The Copperhead' with Ian Keith. On the same night the Group Theatre returns to town with 'The Town and the Country' and 'The Boys Good-bye.' 'Kiss the Boys Good-bye.' Musicals remain conspicuous due to their continued absence from the loop.

Estimates for Last Week
'Amphitryon 38,' Erlanger (3d wk) (1,300; \$3,300). A win at better than \$19,000 for its second stanza. Lays off this week (pre-Xmas) and reopens on Monday (26).
'Kiss the Boys Good-bye,' Auditorium (4,300; \$3,300). Found the Chicago stay here Saturday (17) with \$25,000 for the last week of a month's stay. Final session affected by pre-Xmas slump, but even so the Cohan play averaged \$24,000 per week over the run—which represented numerals never seen here before.

'Susan and God,' Larriss (10th wk) (1,000; \$2,750). Also off to the pre-holiday slump, but still on the right side of the books by a highly significant margin at \$13,000. Finishes here Saturday (26).

'Whitecaps,' Selwyn (1,000; \$2,750). Wound up its local booking of three weeks on Saturday (17) after a pretty sad time of it. Will continue on the road, however, after lay-off this week. Took a meager \$6,500 for exit.

WPA
'The Mikado,' Great Northern. In its 12th week now and still a Federal Theatre winner.

'WOMEN' BAD \$6,700 ON SECOND PITT TRY

Pittsburgh, Dec. 20. Return engagements taking it square on the chin here this season, with 'The Women' last week getting some medicine as 'You Can't Take It With You' and 'Blossom Time' earlier in the year. Comedy, which did near-capacity biz when it first came here last March, flopped miserably on second try, barely getting \$6,700 to wind up plenty of a loss. Shares dubious distinction with 'Can't Take It' of being lowest grosser of season so far.

Season currently dark again, second time since house opened in October. Relights Monday (26) with 'Our Town' under subscription audit. After that, looks like a fortnight of darkness, with nothing in sight until 'Susan and God' Jan. 16.

Estimate for Last Week
'The Women,' Nixon (2,100; \$2,200). Did fine here last March, but with same cast and nice campaign, including radio tie-ups and a legit show for the first time, it couldn't get to first base on return engagement. Started miserably and never got going, with even the mails, usually a pushover for femme shows, flopping. Finished to \$6,700, pretty bad.

'Central' Poor \$2,000, B'klyn; 'Boy,' 'Susan' In

Brooklyn, Dec. 20. Newcomer in town last week, 'Central Casting,' by Nicholas Cosentino, at Shubert theatre in Bushwick secured a lively response at the b.o., getting last \$2,000. Reopens next week with 'Golden Boy.'

Wee and McCoy will stage 'Susan and God' at plenty of for single week starting next Monday (26). Understanding is that Lily Cahill will have Gertrude Lawrence role and Walter Gilbert and Ethel Britton will also appear in the cast. Evening top will be \$110.

Two Yiddish dramas in Brooklyn, 'Test Surprise' at Hopkinson and 'Nation without Name' at Parkway, doing satisfactorily.

Estimate for Last Week
'Central Casting,' Shubert (1,750; 25-85). New odds with Esther Ralston, former film player, drew weak \$2,000.

'PINS' \$11,800, BALTIMORE

Baltimore, Dec. 20. Nothing current here in legit. George Abbott's new 'The Primrose Path' is coming into the indie-booked Maryland on Monday (26). Calendar bare after that.

'Pins and Needles,' in at Ford's last week, attracted a House in dark and a mixed reaction. Critic like doings and said so, but varying audience opinions, expressed word-of-mouth, brought in plenty of for single week. Three-day downstairs buy by local garment workers helped.

Estimate for Last Week
'Pins and Needles,' Ford's (1,900; \$2,200). Strong mail order and advance sale, aided by three-day downstairs buy by local garment workers, offset mixed audience reaction and disappointment to chalk up good \$11,800. Two-buck top, a good idea and a contributing factor in final figure.

'Merk's 'King' Off

(Continued from page 43)

by Thornton Wilder. Stefan Zweig wrote the original 'Jeremiah' in Hebrew, which was originally presented in London four years ago.

Stage activities of Mercury appear to be dormant, its leaders being engrossed in radio work. Last season the group rocketed principally through the skill of Orson Welles and John Houseman. However, this season, when the group's opener, 'Death,' failed to draw, it was forced to suspend. The radio engagement came as a lifesaver, and from that money Mercury expects to start operating again during the winter. Mercury theatre is reported to have been subleased.

Should Mercury set back 'Kings' still further, it may restart with 'No for an Answer' for which backing has been arranged. Group also has scheduled the revival of 'Too Much Johnson,' which has been rehearsed though not shown. Comedy was to have alternated with 'Danton,' but it's doubtful that the latter will again be tried.

Should Mercury set back 'Kings' still further, it may restart with 'No for an Answer' for which backing has been arranged. Group also has scheduled the revival of 'Too Much Johnson,' which has been rehearsed though not shown. Comedy was to have alternated with 'Danton,' but it's doubtful that the latter will again be tried.

Ticket Violators

(Continued from page 43)

erred in not filing notice of appeal within the time limit, mouthpiece thinking it was 90 instead of 30 days. Other attorneys were retained and asked that the right to appeal be restored. Court reserved decision.

Judge William Bondy in N. Y. affirmed a claim on Monday (19), plus fine of \$8,000, against the Agency. Case had been pending for some time. Jurist indicated he did not sympathize with ticket brokers' entanglements with the admissions tax law, commenting that he wished the statute provided for jail sentences. Federal agents charged Acme did not record its records properly and that the Government's full share of the tax had not been paid. Agency men contended irregularities were more technical than actual.

'Life' Fair \$8,500 In Detroit; 'Mice' Next

Detroit, Dec. 20. 'What a Life,' although accorded nice notices, got rather tepid reception at the Cass here last week. However, in view of Xmas shopping, etc., play's \$8,500 take isn't too bad for week's stand.

House is dark currently, but reopens Dec. 26 with 'Of Mice and Men.'

Estimate for Last Week
'What a Life,' Cass (1,500; \$2,750). Got nice notices, but rather tepid reception at the Cass here last week. However, in view of Xmas shopping, etc., play's \$8,500 take isn't too bad for week's stand.

House is dark currently, but reopens Dec. 26 with 'Of Mice and Men.'

TOWN TOUR TOP SET IN D. C., \$16,800

Washington, Dec. 20. Film houses, wall-to-wall, pre-Christmas slump last week, but town's only legit sailed merrily along to give first local showing of 'Our Town' biggest gross it has piled up yet on current tour.

Although carriage trade was cut into heavily by long run on Broadway, huge middle class clientele here came through unusual for show, stamped as worthwhile.

House is dark this week and re-lights Monday (26) with return engagement of 'The Women,' which did nice business last week. Big interest right now is word that Noel Coward's new revue, 'Set to Music,' brings Be Lillie to town for pre-holiday pushover week of Jan. 9.

Estimate for Last Week
'Our Town,' National (1,698; \$2,750 top). Solid middle class trade swept the Wilder play to \$16,800 in face of pre-holiday slump.

'Mice' Gets \$10,000, St. Louis; Cohan In With Prices Tilted

St. Louis, Dec. 20. 'Of Mice and Men' ended one week stand Saturday (17) with a five-day run, taking at \$10,000. Ravages were tossed by the three local critics.

House dark currently but reopens Monday (26) with George M. Cohan's 'Tid Ratter Be Right,' a weeks stand. Will be scaled from \$2,22 to \$5,50 New Year's eve. Advance sale indicates a sellout which probably will produce the biggest week's biz during the local current season. It's been years since the house has been scaled that high.

Estimate for Last Week
'Of Mice and Men,' American (1,707; \$2,800). Copped a nice \$10,000 for nine performances. One big considering heavy Xmas buying during last two weeks.

'Shadow' Mild \$4,400, Indpls.; 'Road' Next

Indianapolis, Dec. 20. Feeling the effect of Christmas shopping, which has cut down biz at the movie houses, 'Shadow and Substance,' with Sir Cedric Hardwicke, did less than expectations at the English theatre with two evening performances and matinee, Friday and Saturday (16 and 17).

'Tobacco Road' comes back for the third time to fill a week beginning Dec. 26.

Estimate for Last Week
'Shadow and Substance,' English (1,500; \$2,750). House, if all goes as expected, under expectations considering favorable advance comment and rave local reviews on performances of Hardwicke and Julie Haydon.

Philly 'National' Profits

Philadelphia, Dec. 20. Local unit of the Federal Theatre Project on Saturday (17) night played a nine-week engagement of 'One Third of a Nation' at the Walnut Street and found itself with a profit of \$4,000 for the run.

Current, while the local unit is preparing for a new show, the New York group's 'Prologue to Glory.' It's in for three weeks, following which the New York Gilbert and Sullivan company is expected for a four-week repertory. House, if all goes as expected, will thus be lit until February, when the Philadelphia project expects to move back. Production probably will be 'Spichekte,' dramatizing the fight against venereal diseases.

'Hellzapoppin' \$115,000 Advance Sale New B'way Record; 'Leave It' 32G, 3 Laying Off, 3 Due, 'Lady' Out

'Hellzapoppin,' the strongest musical bell-ringer Broadway has had in years, has piled up a new advance sale of \$115,000 at the Winter Garden. There have been smashes before, but few if any have topped that record. Total is said to be in actual cash and is said not to include tickets in the agencies, which return none to the box office. Regardless, no advance sale claims in many seasons have approached the figure for 'Hell.'

The laugh provoking Olsen and Johnson revue is rated the only show in town which was not affected to some degree last week by the pre-holiday slump. Its gross advance approached \$31,000, which means standees for all performances. The other two musical leaders also drew excellent coin with a higher scale. 'Leave It to Me' was rated over \$32,000, slightly under the pace, while 'The Boys From Syracuse' approached \$28,000.

Among the straight shows 'Abe Lincoln' was very little off, as was 'Kiss the Boys Goodbye.' 'Oscar Wilde' eased downward more, but 'The Boys From Syracuse' two recent entries are both undecided ratings. 'Spring Meeting' apparently has the best chance at the Morocco, where it was claimed to have topped \$8,000 the first full week here. 'Come the Clowns' was estimated over \$6,000 at the Booth.

There are three shows laying off this week, but the list's total of operating attractions is evened up by a number of arrivals, all due during the latter half. On the road seven shows are dark during the pre-holiday period, mostly between jumps.

Resumptions and the holiday incoming card should push the total number of shows on the list to 27 next week. Those due in town where I Roam, National, 'The Merchant of Yonkers,' Guild, 'Don't Throw Glass Houses,' Vanderbilt, 'Bright as the Day,' 'The Little Drops In,' Golden, 'Blossom Time,' 46th Street, also Ruth Draper, who comes to the Little for two weeks.

There was one casualty last Saturday (16) when 'The Boys From Syracuse' closed after a short engagement.

Estimates for Last Week
'Abe Lincoln in Illinois,' Plymouth (10th wk) (D-1,038; \$3,300). Off a bit only one evening last week; top gross among the dramas approached the \$21,000 mark.

'American Landscape,' Cort (3d wk) (D-1,059; \$3,300). First week was around \$6,000; last week eased out to \$5,000 or less; may perk up after this week's run, by Noel Smith.

'Bachelor Born,' Broadhurst (C-1,107; \$3,300). Laying off this week; played 47 weeks so far in half a dozen houses; resumes Monday (26).

'Blackbirds,' 44th St. (1st week) (B-1,275; \$3,300). By Lesly, ran into bar trouble during Boston tryout; colored revue slated to debut Friday (23).

'Boys from Syracuse,' Alvin (5th wk) (M-1,255; \$4,400). One of the musical standouts of recent arrival which is figured for real run; strong agency sales; approximately \$28,000 last week.

'Great Lady,' Majestic. Was withdrawing Saturday (16) after two weeks and three days; costly operetta had very little draw after panning; house to get vaudeville.

'Hellzapoppin,' Winter Garden (14th wk) (R-1,971; \$3,300). Amazing demand for tickets with plenty of squawks from people who can't buy them; getting standee trade at \$31,000; only show wholly unaffected.

'Here Come the Clowns,' Booth (3d wk) (D-704; \$3,300). Management hopeful of improvement after this week; drew second and more favorable notices last week; several parties helped.

'I Married an Angel,' Shubert (33d wk) (M-1,387; \$4,400). Slipped under \$18,000 mark; lowest gross to date for former leader, but advance sales indicate the show is snap back to excellent money again.

'Kiss the Boys Goodbye,' Miller (13th wk) (C-944; \$3,300). Comedy leader as strong as ever, although some agency sales not to former mark; rated over \$15,000, which is virtual capacity.

'Leave It to Me,' Imperial (7th wk) (M-1,458; \$4,400). Has been pipping the list in point of gross and should hold that record, aided by pre-holiday going but rated over \$32,000.

'Knickerbocker Holiday,' Barrymore (10th wk) (M-1,096; \$4,400). Eased off further, takings approximating \$15,000, figured to snap back after this week and run through winter.

'Oscar Wilde,' Fulton (11th wk) (D-913; \$3,300). Edge on that off heavy attendance; still getting class

attendance though upper floors strongest last week; quite profitable at \$18,000.

'Rocket to the Moon,' Belmont (5th wk) (D-1,000; \$3,300). Moves to the Windsor next week; theatre parties helping to moderate gross of around \$8,500.

'Sing Out the News,' Music Box. Laying off two weeks; resumes next Monday (26); fairly good advance ticket.

'Spring Meeting,' Morocco (3d wk) (CD-961; \$3,300). Looks like moderate money chance; first full week, but quipped well over \$6,000, and better money after this week indicated.

'Tobacco Road,' Forrest (263d wk) (D-1,107; \$1,050). Down around \$4,000 last week, but may pick up again after Christmas; may stay through winter.

'What a Life,' Biltmore (36th wk) (C-891; \$3,300). Despite modest grosses, engagement well over New Year's; Mansfield slated to get this comedy soon; around \$3,500 last week, but still got by.

'Windward Shoppers,' Longacre (1st wk) (D-1,019; \$3,300). Presented by Thomas Kilpatrick; written by Louis E. Shecter and Norman Clark; opens Friday (22).

Revels
'Hamlet,' St. James (D-1,520; \$3,300). Laying off this week; played 10 successful weeks and will resume Monday (26) for another four weeks; rating up over \$17,000 because originally slated to be final.

'Outward Bound,' Playhouse (1st wk) (D-878; \$3,300). Presented by Robinson Smith, Bramwell Fletcher and 'A. Brady,' written by Sutton Vane; opens Thursday (22).

Added
'Pins and Needles,' Labor Stage (56th wk) (R-500; \$2,750). Labor union crowd off somewhat, but grossed slightly over \$5,000 last week; okay under this kind of setup.

'The Girl from Wyoming,' American Music Hall (9th week). Claimed to better a suburban house, angle in night club cellar counting.

WPA 'The Big Blow,' Elliot

'Androcles and the Lion,' Lafayette Opera House, May.

'Pinocchio,' Ritz. Due this Friday (23).

'YONKERS' FINE \$15,000 IN HUB

Boston, Dec. 20. 'Merchant of Yonkers,' starring Jane Cowl and featuring Lillian Walker, tallied up an impressive gross last week, running without opposition and with the backing of a big suburban house. Show, in bad shape opening night, has been up and tightened up, and the word-of-mouth is improving.

Next week is a busy one for Boston, with 'The Boys From Syracuse' and starring Beatrice Lillie, opens Dec. 26. 'A Moral Entailment,' new play presented by Federal Theatre Bank on Dec. 27, and 'Dear Octopus,' by Dodie Smith, makes its American debut with Lucille Watson, Lillian Gish, Rose Hobart and Jack Hawkins featured.

January looks to be a boom month on the local boards. 'Victoria Regina,' with Helen Hayes, is already slated for return engagement, Jan. 9. Dwight Deere Wiman's new musical, 'It's All Yours,' starring Edie Meeman and Jimmy Durante, is penciled in for Jan. 16. And 'Of Mice and Men' is scheduled to arrive Jan. 23.

Tallahassee Bank in 'The Little Foxes,' a new one by Lillian Hellman, is on the January tentative list. Ditto a return engagement of 'The Women.' There is also talk of the fourth 'Plaza' production, 'Company's' production opening here. 'No Time for Comedy,' by S. N. Behrman, starring Katharine Cornell.

Estimate for Last Week

'Merchant of Yonkers,' Colonial (1,634; \$2,750) (1st week). Greeted by cool press, this new Thornton Wilder play got very helpful support from American Theatre Society subscribers and some encouraging window sale. Garnered around \$15,000 for initial stanza, good.

CHI'S 'PROLOGUE' TOUR

Chicago, Dec. 20. Local Federal Theatre Project is preparing its own road company of 'Prologue to Glory.'

Play was recently presented at the Blackstone here by a New York WPA group.

Broadway

Ruth Beck, of WOR artists bureau, engaged.

Hume Cronyn to Montreal for the holidays.

Bern Bernard, Coast agent, due in next week.

Clare Boothe due back this week from Charleston, S. C.

Victor Payne-Jennings in from London, then to Florida.

Vivian Brown, of WHN praise, bedded with sprained foot.

Bish Lenihan appointed manager of Fabian's Rialto, Westfield, N. J.

Dave Finestone ordered to take it easy by doctor. High school laureate, Janet Marshall, Golden's showship winner, to Mexico to work on a play.

Helene Pons designing costumes for "The Primrose Path" and "Set to Music."

Walters east and west hopped on the "Musica-Coster" story for screen scripts.

Bennett Cerf has added Dashiell Hammett to his Random House writers.

Felix Ferry, with socialite financing, taking over the Casanova for a class spot.

Manie Sacks, of Music Corp. of America, out to Philly hospital after a week's rest.

Elsa Lanchester (Mrs. Charles Laughton) arrives Thursday (22) from London.

Connie Nickerson, of the "What a Life" road troupe, to Philly for her sister's wedding.

Arthur Guiterman leaves middle of month to winter in Jamaica, British West Indies.

Harry Ham, London representative for Myron Selznick coastward on annual holiday visit.

Marcy Wescott, of "The Boys from Syracuse," is taking dramatic lessons from Benno Schaefer.

Switch of Paul Terry to 20th-Fox caused Educational to sign David Biederman for a series of cartoons.

Joe Laurie, Jr., scripting for Al Jolson's radio show, may do a cavalcade film on vaudeville for a major studio.

Tay Garnett back to the Coast after holidaying east. Director of "Trade Winds" also has a percentage piece of it.

Gene Power, who has been in South America for the last few months, due in New York this week. Returning by boat.

Sam Hammers on route to Coast (17) with Averill Harriman, president of the United Pacific R.R., with stopover in Sun Valley, Idaho.

Willie Shore, out of the Tavern, will shortly open at the 54th street chop house. Quentin Reynolds' younger brother, Bill, may be associated.

Earl Lindsay, cabaret revue star, through handicapped by failing sight, still pulls in the big shows at Murray's roadhouse, Tuckahoe, N. Y.

An international beauty contest, with semi-finals to be held in all principal foreign cities, is being staged at the World Fair next year.

Jack McInerney under doctor's care following injuries received in a taxi cab crash. Lost tooth and injured jaw, back and legs, but no fractures.

Herman Bernie, New York rep for Myron Selznick agency, to Florida (10 days' rest) and back to New York. Will look over talent at cafes there.

Lorenz Hart, lyricist of "The Boys from Syracuse," sufficiently recovered from his illness to leave the hospital and pay his first visit to the show.

Johnny Ryan, of the Dramatists Guild staff, playing Santa Claus at the combined "The World's Fair Ball" for the New Year's 'dawn of a new day' celebration.

George Trendle, head of United States theatre group, part of a party of King-Trendle Broadcasting Corp., on Caribbean cruise with family over holidays. Returns Jan. 3.

Johnny Lewis, operator of the Jumbo theatre, Philly, shaved off the mustache that for years adorned his lip. Explanation: it made him look too much like Hitler.

Projectionist Square Club, headed by Pincus D. Herbst, treasurer of Local 308, N. Y. Operators, is sending out 100 Christmas baskets to unemployed in various theatrical crafts.

Bert Robinson and Edward Clarke Lilly are collating on the adaptation of a Damon Runyon story for a legit comedy. Lilley would direct it and Joe E. Brown is mentioned for the lead.

Charles Graves, London Daily Mail columnist, on his first U. S. visit this week, wrote in his farewell column that he particularly enjoyed to meet Damon Runyon, Dorothy Parker, Ted Husing, Frank Case.

Thornton Wilder, whose latest play, "The Skin of Lions," is being produced by Herman Shumlin, and Ellen Glasgow, novelist, have been named members of the American Academy of Arts and Letters.

John "of Whiff" which is on a sharing arrangement runs a pool on nightly receipt predictions. Ezra Stone, lead in the show, is excluded.

because he gets a gander at the ticket racks before every performance.

That's am. curfew for drinks New Year's Eve is worrying the niteries. Hope to get around it by 'checking' liquor in lockers, etc., or giving customers ample time for 'last calls' on orders, before padlocking the service bars.

Paris

By Hugo Speck

Teddy Piaz in from London.

Michele Morgan in from Berlin.

Joe Davidson in from American visit.

"Mad Miss Manton" (RKO) at Le Paris.

"Entree des Artistes" in third month at Colisee.

Phyllis Stanley held over at Ambassadors.

Jacques Deval in and back to Hollywood.

Henry Leptone planning African and Asiatic visit.

Journalist Titayana making music hall debut at ABC.

Folies-Bergere's shuttered to prepare for new revue.

Henri Jeanson, writer and scenarist, turning meger.

Jerome Theraud elected member of French Academy.

Grace Moore singing "Louise" at Opera-Comique for charity.

Jacqueline Mignac appeared at annual Anglo-American Press dinner.

Jack Toole, who has neither story nor director yet for Marlene Dietrich's French picture.

Intransigent publishing story of "Robin Hood" concurrently with WB film's showing at Rex.

Marcel l'Herbier starting "La Brigade Sauvage," starring Victor Francen and Charles Vanel.

Henry Leptone in from London.

Lawyer Henry Trotter collaborating with Charles Spaak in adapting James M. Cain's "The Postman Always Rings Twice," in which Fernand Gravet is set to star.

Pittsburgh

By Hal Cohen

Fritz Reiner hosted Pittsburgh Symphony last week.

Cornelia Otis Skinner set for Nixon in "Candide" week of Feb. 27.

Ira Cohen sailed for Saturday (17) on 25-day cruise to South America.

Mrs. Jackie Heller coming in from New York shortly to join her hubby.

Bill Finkel going to New Orleans New Year's Day for Carnegie Tech-UCG.

Lenore Rika and her acrobord moving to Miami's Five o'Clock Club for four years.

Tom Corbett, formerly of Willows, now managing another roadhouse site, the Riviera.

Jean Moorhead, late of "You Never Know," here for few days, visiting home.

Joe Catizone has replaced El Egizi as first trumpet player with Maurice Spitalny's orchestra.

Burrum going guest-conducting with Johnny Duffy's band during holiday season.

Two Film Rowe girls, Hazel Aderhold and Anne Sessis, will be day after Christmas brides.

Lawrence Welk band signed by Par for short after winding up at William Penn first of year.

George R. K. RKO manager stays three weeks, trau all winter.

Triangle Club show booked for one-nighter at Mosque tomorrow (Thursday) with Mask and Wig show coming in four nights later.

Late Chestra Wallace's spot on Tech drama faculty will be filled by Mike Shapiro, Bill Finkel and Archie Fineman going to New Orleans to see Tech-Texas Christian game.

Sydney

By Eric Gorrick

Heat wave crippling show biz.

Greater Union bringing in reissues at Lyceum.

Stuart F. Doyle expects to line up some top players for an Aussie tour next year.

"Count of Monte Cristo" (UA) revived at Embassy. Picture did well on revival out of town.

The Women continues to pull well in Melbourne for Australian New Zealand Theatres. Will be road-show prior to hitting Sydney.

Harry Howard, producer of "Hollywood Boulevard," was ordered to bed for two weeks with flu. Unit is now playing Queensland for Fullers.

With solid pre-Yuletide slump now in full force, here managers are hard put to find attractions suitable enough to entice public to open purse strings.

London

Kurt Tischer in from Vienna.

Dwight Deere Wiman in town.

Violet Crossie leaving M-G to join Paramount.

Henry Ainley planning a comeback.

Berthold Viertel to Nice for Christmas.

Robert Vansittart back from Monte Carlo.

Hayter Preston appointed director of "Rembrandt."

Cliff Lennox finishing new thriller, "Blind Corners."

Ross and Stone to do a series of film shorts for Warner Bros.

Bill Tiddie booked for week at London Coliseum next month.

H. F. Rubinstein has dramatized the life of Ramsey MacDonald.

Walter Ellis giving final polish to new farce, "The Suite."

Jack de Leon to produce S. N. Berman's "Rain from Heaven."

Michael Balcon to the south of France for a couple of weeks vacation.

Tom Arnold wants Ross and Bennett for a unit. He's offering 16 weeks.

"The Aunts" being revived at the Haymarket twice daily during Christmas.

Sam Browne, vaudeville partner of Elsie Carlisle, is running stage and radio school.

Roy Fox, now recuperating in Switzerland, lining up new band to play Australia.

Al Stone (Stone and Lee) has been broken being struck by hit-and-run driver.

Ganjou Bros. and Juanita canceled week at Coliseum due to femme's stage engagement.

A. A. Milne's comedy, "Gentleman Unknown," folded at the St. James after a month's run.

Ludwig Kurtzke in from Prague to sell Czechoslovak version of Capek's play, "Power and Glory."

Henry Sherak wants Bob Bromley at the Dorchester hotel for March.

Cozy Nina signed for South African tour, and sails Feb. 2. May go from there to Australia.

"Banana Ridge," farce at the Strand, expected to close early next month; then goes on 12-week tour.

Charles B. Cochran has a new musical in which he intends to star Florence Desmond. She'll partly back it.

Non-Jewish section of Film Trade meeting to discuss financial aid to German and Czechoslovakian Jewish refugees.

Maureen O'Hara, 18-year-old novice, gets leading' role opposite Charles Laughton in filmization of "Jamaica Inn."

John Daniels and Ben Lyon framing new vaudeville unit, which opens next month. Already have 16 weeks lined up.

Sperry in Black-Columbia picture starring Conrad Veidt, being held up at Denham due to some of the principals contracting the flu.

Carroll Lewis has lineup of vaudeville acts for next year with many forthrightly signed, which is something new for a vaudeville unit.

Maurice Winnick back terminated 13 months' at the Piccadilly hotel and Casino, Cannes, for 16 weeks.

Four Franks out of "Bobby Get Your Gun," the Jack Waller musical at the Adelphi. Play a few English vaudeville dates and then go America.

Backstage notice at General Theatres Corp. and Moss Empire houses that any reference should be made by acts to Hitler and Mussolini.

"Cookie" Bowers booked South Africa for six weeks with option. Act that she would turn to London in time to sail from here Feb. 2.

The mothers of Bob Robinson and Virginia Martin in from New York and immediately left for Cannes, where team is due to open at the Casino Friday (23).

Sir Oswald Stoll has a new musical, "The Mystery Background," by Roger MacDougall and Allan MacKinnon, who are responsible for Paramount's quota picture, "This Man Is News."

John Pope, daughter of MacQueen-Pope, playing the Fairy Queen in Drury Lane pantomime, is direct descendant of Jane Pope, leading lady to David Garrick at the same theatre in 1777.

Paul Robeson's agent, Harold Holt, approached by Martinus Poulsen for singer to play Cafe de Paris. Agent says that Robeson would turn at least \$50,000 per, but Robeson turned down proposition anyway.

Lee Tracy will play lead in "The Bowery Touch," which Maurice Browne is producing. Show was done at Sunday performance a year ago. Will play six weeks in the sticks, then comes to the West End.

Archie Ruzies, Arthur Macrae and "The Bowery Touch" under "Your Hat," the Cicely-Courtneidge Hulbert musical at the Palace, already writing new show to follow in one. "Hat" doing \$20,000 weekly and "season" which is "tine."

Jay Adler said to have \$20,000 to do Robert Warwick's "Blind Alley" in

London. Trying to get James Cagney, Raynor Massey, Edward G. Robinson or Chester Morris for lead. Show will tryout in sticks then play West End. James Ullman reported producing.

Miami Beach

By Arthur Thomson

Damon Runyon joined his wife at the Ribault hotel home.

Chester Alexander, former m.c., has opened his own barbecue here.

Walter Winchell, J. Edgar Hoover and Sherman Billingsley playing on the sands.

Hollywood Yacht club now the Versailles. Same management as the New York Versailles.

Tattee Martin, local canary with Mannie Gates' orchestra, has returned from a visit to Louisiana, her home state.

Next Federal Theatre production here will be "The Emperor's New Clothes." Roy Elkins is supervising director.

N. B. T. Roney, head man of the Roney Plaza building a new hotel, Town House. Spot is directly across from Jack Dempsey's Vanderbilt.

Jazz music missing from radio programs for weeks.

J. B. Priestley's "Time and the Conways" by Daniel Barrows, permitted for adults, but title must be changed.

New broadcasting station being inaugurated at Kassa, principal city in Hungary, Czechoslovakia.

This is the third station in Hungary, all state-controlled. There are also four relay stations.

Budapest

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Yanks on Radio

(Continued from page 1)

When it gets them. While the Giants management has confirmed the report that its local games were commercial radio, no contracts have been signed. Understood that General Mills' quotation for the Giants and Yankees rights is \$75,000 each.

\$150,000 for WOR, WABC.

It would cost a minimum of \$150,000 to carry the Yankee-Giants combination on either WABC, CBS key, or WOR, Newark, for the season. Indications are that General Mills will lean toward WABC when it gets around to making a contract. CBS, it is understood, paid the greater share of the cost of producing the General Mills film on pro football; also a goodly share of the money that went for the making of General Mills' National League baseball film. Production cost cited in the latter instance is \$85,000.

WOR isn't eager to take on the Brooklyn team, which gives General Mills a choice between WHN and WMCA.

Mills Wants Barber

Cincinnati, Dec. 20.

Red Barber, WLW's ace sports-caster for the past five years, has accepted an offer from General Mills to join its announcing staff. His WLW-WSAI contract expires Dec. 31 but he will probably stay on for a few weeks to round out a winter commercial series.

No mention has been made of Barber's assignment by General Mills but the likelihood is that he will handle one of the New York baseball series.

Chicago, Dec. 20.

Five Chicago stations, WGN, WJJD, WIND, WBMM and WCFL, last week renewed their contract for baseball play-by-play with the two Chi teams, Cubs and White Sox. Each team will draw \$45,000 for the rights, according to the present indications.

However, the White Sox (American) club has reserved the right to sell its broadcasting privileges to an advertiser or to a station exclusively should the club be able to obtain offers of more.

Cubs have, always insisted that their baseball will be on a non-exclusive basis to stations and advertisers. Also the Cubs have never wanted any revenue out of the baseball broadcasting, believing that they get plenty of profits out of the other plugs, but have taken the coin because of the insistence of the White Sox on the return of money.

However, the Cubs return their money to each station immediately by purchasing time on the transmitters to advertise the Cubs additionally.

Hollywood

Mo Siegal III at home.

Montague Love in hospital.

Arthur Stebbins out of hospital.

Fritz Leiber in from New York.

Sol Lesser back from month in the east.

George Brent en route to Honolulu.

Dr. Harry Martin home from hospital.

Adolph Ramish back from Honolulu.

Edgar Moss off for Honolulu siesta.

Kernmont Goulding off for Hawaiian siesta.

Edmit Roosevelt gandering studios.

John Lital laid up with poison oak brought in from Honolulu.

George Beale planed to Washington, D. C.

Judge Fred Goldsmith in from Manhattan.

Paul Miller north to look over F-W taxes.

Bobby Connolly back on the job after illness.

John H. Kennedy soaking up sun at Palm Springs.

Bernard Vorhaus hurt his knee skiing at Yosemite.

Gene Fowler mailed his Christmas cards in Honolulu.

Maxie Rosenbloom's father and mother moved here.

George Dembow in from Manhattan for studio confabs.

Howard Strickling back to work after minor operation.

Buddy Ebsen returned to work after siege of pneumonia.

Russell Hayden and June Clayton on delayed honeymoon.

Ralph Hammaris exhibiting his paintings in Palm Springs.

Abbe Hirschman, former Safran to Honolulu for the holidays.

Edward J. Mannix recuperating from recent illness in Arizona.

J. C. Gilpin moved into Jackman house as general manager.

Achmed Abdullah signed to write one serial a year for Cosmopolitan.

Herman Lissauer elected head of Motion Picture Research Association.

Oliver Hindell writing about screen talent for new Encyclopedia Britannica.

Dick Powell and Joan Blondell bought \$140,000 hacienda in Coldwater Canyon.

The Frederick Lindens will go to the Coast shortly after the baby's first arrival.

Motion Picture Relief Fund broke ground for its new building, to be ready in February.

W. Ray Johnston and George West, two honorary chiefs of Kiowa Indian tribe.

Claude Binyon is readying a collection of yarns titled "I Used to Be a Newspaperman Myself."

Charles P. West Coast's annual Christmas dinner-dance at the Ambassador Dec. 23.

Barbara Keshig sold his yarn, "So You Want to Travel," to Collier's. Story is based on 200,000 miles of travel as a studio publicity man.

St. Louis

By Sam X. Hurst

Leslie Savage, Columbia Pictures auditor, in town.

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Quin Ryan into hospital for check-up.

Gardner Wilson setting up winter quarters in Chi.

Chicago theatre will get \$50,000 complete overhaul.

Lou Wolfson in for William Morris niterity contacts. Dillo Nat Lefkowitz on biz matters.

Edw. Balaban and Katz crews working overtime to get under the wire for State-Lake reopening Saturday (24).

George M. Cohan back to New York for pre-Xmas holiday before heading to rod and Td Rader Be Right.

Niles Trammell honorguesting at a flood of testimonial banquets and luncheons throughout midwest before heading to new NBC job in the east.

OBITUARIES

ARMANDO (TOTO) NOVELLO
Failing to rally after an abdominal operation several weeks ago for an abdominal abscess, Armando Novello, known professionally as Toto, the Clown, died in a New York hospital Dec. 15 at 50. Widow, daughter, two sisters and a brother survive.
Story on page 1.

LE ROY MARK
LeRoy Mark, pioneer broadcasting executive and principal owner of WOL, Washington, died last week in that city after a lengthy illness. Funeral services held Friday (16). As head of the American Broadcasting Co., Mark was operator of

MYRA FURST
Died December 20, 1938
Survived by
JAY PACKARD (Husband)
CLIFFORD PACKARD (Son)

the Mutual Broadcasting System office in the national capital and previously had been a leader in efforts to establish another major network there. Had been active in radio over a decade and just recently achieved his goal of having WOL made a regional outlet. His transmitter was the first to air "Amos 'n' Andy" programs for Washington. First venture was with WREX, which later went out of existence. Survivors include his widow, two daughters and two sons.

HOWARD HIGGIN
Howard Clinton Higgin, 47, film director and writer, died Dec. 16 in Los Angeles after an attack of pneumonia.

Going to Hollywood as a writer in 1917, Higgins joined Cecil B. De Mille as assistant director and later achieved full directorship. Among the films he piloted were "The Perfect Ship," "High Voltage," "The Painted Desert," "Sai of Singapore," "Reckless Lady," "Skyscraper," "Racketeer," "Carnival Lady," "Marriage on Approval" and "The Line-Up." Surviving are his widow and a daughter.

CHARLES CROMWELL
Charles Cromwell, 83, ex-circus star noted for his walk across the Niagara River gorge at Niagara Falls, N. Y., on a tightrope in 1874, died Dec. 19 at his home in Galt, Ont., Canada.

He took up a circus career at the age of 12 and spent most of his life under the Big Top. He retired as a contractor and subsequently retired from that several years ago due to failing sight. Frank Cromwell, son, of the "Flying Cromwells," survives.

THOMAS SAXE
Thomas Saxe, 64, theatre operator of Milwaukee, Wis., died Dec. 16 after a two-year illness. Native of Ireland, he opened first picture house in Milwaukee, and with his brother, John, ran string to nearly 100 in Wisconsin. Saxe of recent years had been general manager of Saxe Amusement Management, Inc., operating company for the Warner-Saxe circuit.

Survivors are son, two daughters, three brothers and six sisters.

RICHARD R. FISHER
Richard R. (Dick) Fisher, 64, for 15 years manager and press agent for late Howard Thurston, died at his home in Pittsburgh Thursday (15) after a month's illness. Starting in show business more than a quarter of a century ago, as superintendent of the old Grand theatre, Pittsburgh, Fisher managed and did publicity for several other notables in show biz. Widow survives. Burial held Saturday (17) in Freedom, Pa.

PIERRE LAFITTE
A newspaper career of 40 years was ended last week (13) with the death in Paris of Pierre Lafitte, 66, publisher and founder of Excelsior, the first Paris illustrated daily. A member of the board of the Paris Midi and Figaro, he had also been head of the Paris Soir's advertising department and chief of the Paris Radio 37 station at the time of his death.

MARY CARLISLE
Mary Carlisle, 73, one-time equestrienne who used to jump through a flaming hoop while riding on a horse's back, died at the Lynn

(Mass.) hospital from burns, Dec. 16. A widow who for some years has earned her living by doing housework, she set her nightclothes afire when she lighted a match to find the light switch in her Lynn home.

J. THOMAS LYONS
J. Thomas Lyons, executive director of WCAO, Baltimore, died Dec. 16, after an illness of six months. Before taking over at WCAO, in which he had a financial interest, Lyons was national advertising manager for the Baltimore Sun and publisher of the Baltimore News.

ANN COLLINS
Mrs. Ann Collins, 39, Syracuse night club singer, was found dead in her room Friday (16), a victim of heart failure. Her husband, Peter Collins, died three years ago.

ISAAC SELACOVICH
Isaac Selacovich, 65, retired Philadelphia theatre builder and operator, was killed in an automobile accident Thursday (15) near Richmond, Va. He had been heading for St. Petersburg, Fla., where he had intended to stay for the winter.

WILLIAM OHMS
William Ohms, formerly an electrician in legit houses, who held a similar berth at Radio City, died Dec. 13 after having a number of teeth extracted at a dental clinic. He was a brother of the late Louis Ohms, former treasurer of the Empire, N. Y.

OSCAR ROWER MEYER
Oscar Rower Meyer, 59, for 35 years leader of the orchestra at Green's hotel, Philadelphia theatrical hostelry, died suddenly of heart disease at his home in Philadelphia Dec. 13.

After hotel was torn down in 1931 he turned to teaching music.

MYRA FURST
Myra Furst, 54, play broker, died Dec. 20 in New York after a long illness. Her husband, Jay Packard, formerly an actor, and a son, Clifford, survive.

A. H. R. MILLER
A. H. R. Miller, 45, film theatre operator, died Dec. 12 in Palms, Calif. Until 18 months ago he managed Fox theatres in Milwaukee.

Surviving are his widow and son.

JOHN W. COCHRAN
John Watson Cochran, 78, died at Pearl River, N. Y., Saturday (16). For more than 50 years he managed musicians.

WALTER ACKERMAN
Walter Ackerman, 57, screen playwright, died Dec. 12 in Hollywood. He had been in pictures since 1907.

JACK ADAMS
John Adams, former vaudevilian, known on the stage as Jack Adams and Jack Corbett, died Dec. 12 in Syracuse. He collapsed and died in a Syracuse night club.

NINA VISAROFF
Nina Visaroff, 50, wife of Michael Visaroff and once in musical comedy, died Dec. 14 in Beverly Hills, Calif.

JERRY COLLINS
Jerry Collins, 65, veteran Pittsburgh showman, died Dec. 14 after a brief illness. He had served as a stage employee of the Harris Amusement Co. for 45 years, through three generations of Harrises.

He was a member of the Variety Club and of IATSE, Local No. 2, since 1903. He leaves his widow and daughter. Funeral services in Pittsburgh, Dec. 19.

BUDDIE FRANKLIN
Buddie Franklin, wife of Ben Franklin, commander of American Legion Post 690 of the NVA and a former vaudevilian, died in New York Dec. 15.

She was for many years a burlesque performer.

Charles CHIT Edwards, 54, father of Hudson Edwards, manager of Lucas & Jenkins' Fox theatre, Atlanta, was fatally stricken while driving his auto. Widow survives in addition to son.

Masazo Sato, 76, importer, father of Ruth Sato, Boston newspaperwoman

and former showgirl, died in a New York hospital Dec. 2 of bronchial pneumonia and complications. Survived by daughter and son.

ROSS CHAPIN, 24, of Pittsburgh, stepson of Ann Morrison (Chapin), playwright and scenarist, a suicide beneath the wheels of a train in Boston Dec. 13.

Father of Mary Martin, principal in "Leave It to Me," at the Imperial, N. Y., died Dec. 20 at his home in Weatherford, Tex. He was a lawyer.

Mrs. A. Lindsay Lane, 26, wife of Metro cameraman, died Dec. 12 in Los Angeles.

Hirst Shows Out, 2 N. Y. Houses Shift to Stock

With the ruling last week by John Mason, New York mayor, that Hirst's censorship committee, that Izzy Hirst wheel shows would be banned from N.Y., the Triboro and Werba's shifted to stock shows. Werba's, in Brooklyn, debuted stock Sunday (18). Triboro follows Sunday (25). Margie Hart will headline the opener at the latter.

Due to biz letdown, Hirst faded from the Hudson, Union City, N. J., spoke in his wheel, for the holidays. Operated this week, and probably until Hirst's return, by the stagehands and musicians.

Zukor's Hypo

(Continued from page 3)

York to attend meetings of the directors, but nothing in this direction has been officially done. Chairmanship of Par is more or less a title, anyway, power being vested in the presidency and the executive committee.

Zukor is not under contract, having gone off the contractual books in 1937 when he was in Hollywood in personal charge of studio administration. He is not known to have asked for a contract before going off on the world trek, but the salary of \$150,000 is understood to remain the same. Of this amount \$50,000 is paid annually to Par under the settlement of the directors' suit made two years back.

Mrs. Zukor is accompanying the Par founder on his journeys and, although said to have been a little unhappy over closing both Zukor houses in New York City, N. Y., and in Hollywood, she is fond of England and views the circling of the globe ahead of her with great interest, as does the Par chairman.

Latin America Next
Zukors will be in England and on the Continent about three months, after which they will sail for a tour of Central and South America. John W. Hicks, Jr., who came on recently from London with Rose, is spending the holidays in New York and shortly after the first of the year he will return to England for a few weeks prior to his regular annual survey of all of Europe, to consult with Zukor and Rose.

After touring the Latin-American countries, Zukor will return to New York and, accompanied by Hicks, will then go to New Zealand, Australia and the Far East.

Production plans for Par in England are expected to be set while Zukor and Hicks are over there, with the number of pictures and stories as well as other matters approved for early operations. In advance of more definite plans, it has been indicated Par might make six or eight features in England during the coming year. Zukor himself was in England in 1937, at which time he generally surveyed the production outlook and reported that he thought Par should go into the field to make pictures there.

Par Defers

(Continued from page 1)

Par version for Xmas week had to cancel the booking at Paramount's request.

In New York, Radio City Music Hall, which has Metro's film for Xmas week, starting tomorrow (Thursday), knew about the Paramount booking throughout N. Y. City and at first was reported having refused to date the M-G picture in. Negotiations between W. G. Van Schmus, of the M. H., and the Brandt chain, which had the Par film booked in four of its houses, resulted in the Brandts agreeing to withdraw from its Paramount contract.

WHAT THEY THINK

ASCAP's Vagaries
Philadelphia.

Editor, VARIETY:
Under Inside Stuff, Dec. 14, the last paragraph states that Henry Nemo has been admitted to membership in ASCAP within a year of submitting his first tune for publication. ASCAP entry requirement is five published works.

I have been trying for about five years to gain admission into the Society without success, having written them during this time about six letters to all of which I have received a very courteous reply, generally ending with the assurance that my application will be presented to the membership committee in due course, and that I will be advised if any favorable action has been taken thereupon. This is as far as I get. My published songs are: (8 titles listed).

ASCAP has copies of all these, all eight songs by major publishers, yet I am denied admission when the Society's entry requirement is five. They write and tell me that my works are not sufficiently played in places licensed by the Society. It is true that none of the above songs has been extensively plugged, but nothing is ever said about the plugging requirement in any of their literature, nor is this mentioned in the ASCAP Journal. All of the above numbers have been written in collaboration with Billy James, an ASCAP member. I am a member of the Song Writers' Protective Association.

I do not expect VARIETY to fight my battle, but I wanted you to know the facts. Having read several letters in Forum, wherein you give different writers opportunity to air their grievances upon different subjects, am sincerely hoping you will grant me the same courtesy.

Charlie Seitter.
British Curbs on Acts
Aalborg, Denmark.

Editor, VARIETY:
For a very long time the English artists and the Variety Artists Federation have been kicking on foreign

Clyde Beatty Headlines Shrine Circus in Chicago

Chicago, Dec. 20.
Clyde Beatty has been signatored to headline the Shrine Winter Circus, to be held in the International Amphitheatre Dec. 31 to Jan. 15; under the sponsorship of the Medinah Temple.

Others set are the Concellos, the Gratonas, Ruth Mix, Cyse O'Dell, Ed and Jenny Rooney.

FRISCO FAIR WORRIED BY SLOW ADVANCE SALE

San Francisco, Dec. 20.
With the opening 60 days to go, the 1939 Golden Gate International Exposition on Treasure Island is rapidly nearing completion. Building program is practically finished, most of the halls already being ready for exhibitors to take over nearly 2,000,000 square feet of exhibit space.

Ray Smith, head of the financial setup, is said to be dissatisfied with the way the current ticket sale is being conducted and has turned in his resignation.

Television

(Continued from page 1)

relax and yet listen. Television is different. It calls upon all the physical faculties except the sense of smell, and we have found in England that to come home after a busy day and look at a television program even for an hour is fatiguing and quickly becomes monotonous. After a month in the home it is seldom used except to pick up sensation or unusual sports or special broadcasts. So it seems probable that even when television reaches commercial perfection, people will still spend most of their time listening to radios just as they do today.

Buffalo, Dec. 20.
Clarence W. Farrier, television coordinator of NBC, addressed the Engineering Foundation of Buffalo here Friday on television, its development and problems.

Said sponsored television was probably at least five years away.

and especially American Acts, and for time to write articles in the London papers (such as enclosed) have been written.

Surely the American societies and the American ministry of labor do not realize that American acts do NOT receive fair treatment and are NOT allowed to remain in England near as long as the thousands of foreign and British acts are allowed to live, work and earn big salaries in America. And it is certainly time something should be done about this matter.

American acts are only allowed to work in England six months at a time and then there is always a lot of trouble getting extensions, if and when such is possible.

Something ought to be done about it, and very, very soon.
J. Levenin Franklin.
(Franklin, Levenin & Franklin.)

Seek Armand Delmar
Chicago.

Editor, VARIETY:
Writing you at suggestion of your office in Chicago. We are trying to locate Armand Delmar, as his mother is ill at present, and it is very important for her to reach him. His profession is juggling with his feet, single act.

Mrs. Clara Delmar.
Care of Louis Weitzman, 807 Forrest Avenue, Los Angeles, Calif.

Six Who Never Missed
New York.

Editor, VARIETY:
I am constantly called to your attention to a slight discrepancy. Being one of the members of the cast of "You Can't Take It With You" who did not miss a performance I would like you to know that six of those you mentioned as having played the entire run do not qualify.

Those who did not miss a performance were Josephine Hull, Virginia Hammond, Ruth Ataway, Jess Barker, Frank Conlon, Oscar Polk, George Leach and Yours very truly,
Frank Wilcox.

UNABLE TO GET CHI FAIR CONCESSION, SUES FOR 100G

Chicago, Dec. 20.
Emmett Howard, fair concessionaire, filed suit here for \$100,000 against Benjamin Lindheimer, real estate dealer, charging he gave Lindheimer \$25,000 to make arrangements for Howard to operate a restaurant at the Chicago Fair in 1932-33.

Howard further alleges the Fair management refused to permit him to operate a restaurant after he had spent considerable money on Lindheimer's advice to go ahead and that Lindheimer hasn't returned the \$25,000 to him.

BIRTHS

Mr. and Mrs. George D. O'Brien, son, in Los Angeles, Dec. 12. Father is Fox-West Coast theatre manager.

Mr. and Mrs. Keith Wilson, picture critic on the Omaha World-Herald, daughter, Dec. 15.

Mr. and Mrs. George Chandler, son, in Hollywood, Dec. 10. Father is film player.

Mr. and Mrs. H. C. Southard, daughter, in Fort Worth, Dec. 3. Father is manager of WCAP, F. W. Mr. and Mrs. Marc Lachmann, son, in Hollywood, Dec. 17. Father is exploitation chief for 20th Century-Fox; mother is former Melva Cornell, of the stage.

Mr. and Mrs. Dave Elman, son, in New York, Dec. 18. Father is originator of radio program, "Hobby Lobby."

MARRIAGES

Ruth Etting to Myrl Alderman, Dec. 14, in Las Vegas.

Joan Woodbury to Henry Wilcox, in Los Angeles, Dec. 27. Both are in pictures.

Osa Massen to Allen Hersholt, in Beverly Hills, Dec. 15. Bride is Danish film player; he's screen writer-son of Jean Hersholt.

Fern Head, to Fritz locki, Louisville, Dec. 12. Bride is radio player; he's radio producer and press agent in Chicago.

Bing Crosby waxed four oldies for Decca with John Scott Trotter's band. He also recorded three Monaco and Burke tunes for his Universal picture, "East Side of Heaven."

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They don't want the dullness, tiny
blemishes, enlarged pores that may ap-
pear when pores are choked with
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They use gentle white
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COSMETIC SKIN RUINS
A GIRL'S CHANCES OF
BEING ATTRACTIVE,
I ALWAYS REMOVE
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YOU RENEW MAKE-UP...
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ANN SOTHERN

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NEW YORK, WEDNESDAY, DECEMBER 28, 1938

48 PAGES

MUST HAVE NEW B. O. STARS

B'way Legit OK, but New Year's Eve Worries Cafes; Latter NSG All Over

Unlike the New York niteries, which look askance at the New Year's eve weekend, breaking that way on a Saturday night—with its restricted 3 a.m. curfew on the Sabbath—Broadway legit is priming for the heaviest theatre week of the season, with two holiday Mondays. The first of these (26) had 14 extra matinees, and the Christmas to New Year's cleanup on Saturday (31) is a natural for holiday performances. Four straight shows, three of which are hits, are charging \$5.50 for the New Year's eve performance, seven others being scaled at \$4.40 top, while four musicals are priced at \$3.60.

Conversely, the New York niteries look at the long weekend dubiously, because of the early Sunday morning curfew, both on drinking and dancing. The liquor thing could be gotten around, of course, by ordering in advance, but the Sabbath law makes it imperative that the bands knock off also, and that usually heralds a quick scam-out.

Of the four big-demand musicals, 'Hellzapoppin', 'Leave It to Me', 'Boys from Syracuse' and 'I Married an Angel', the top gross mark will be between 'Hellzapoppin' and 'Me'. With four matinees, each anticipates takings of more than \$40,000. 'Hellzapoppin' is playing a matinee every day up to Saturday and though scaled under 'Me', it should gross as much. 'Syracuse', with one extra performance, figures to run a good third, all being sure to establish new highs in point of takings since opening. Two musicals ducked the Monday after—

(Continued on page 20)

Needles at 40 Paces; Or Cleve. Tailors Will Show That 'Pins' Bunch!

Cleveland, Dec. 27. Out of some ribbing remarks made when International Ladies Garment Workers Union brought 'Pins and Needles' here last month is growing another novel, union-sponsored legit show. It's a comic operetta tagged 'Eulbul' and is backed by the local of Amalgamated Clothing Workers of America, the tailors' union. Latter got their dander up when a ribber cracked the ILGWU bunch was better than the ACWA group as thespians. The latter then showed through a motion to produce a show that would 'show up those holly sewing-machine fads.'

Operetta with 250 amateur actors from the plants, is set for a preem in the fashionable Masonic Hall Feb. 16 for three days. Tailors are being given time off with pay for nearly four weeks of rehearsals. Ten-day tour through Ohio and midwest is planned as Beryl Pepperscorn, business manager of Locals 112-114, wants to hit same clothing centers that 'Pins' played. Sked also calls

(Continued on page 46)

The Emancipator

A quip among the 21-Algonquin crowd is that Raymond Massey was so imbued with the spirit of his starring vehicle, 'Abe Lincoln in Illinois', that he went out and freed the Cotton Club show.

CANTOR'S ROAD TOUR IDEA FOR AIR SHOWS

Eddie Cantor is evangelizing as 'a logical next development' in radio the roadshowing of pretentious entertainment units for the purpose of holding visual broadcasts in small cities and towns that have never had a chance to see a de luxe radio performance actually transmitted. Cantor believes such roadshowing with its free ticket distribution would exercise a powerful appeal to dealers and, for this reason, to sponsors.

Comedian does not believe that fear of motion picture industry reprisals would be an important factor. In the case some years ago of the Esso-sponsored Guy Lombardo tour (not entirely similar) all sorts of local stumbling blocks were threatened by film biz in shortening the tour. Since then the idea has been slumbering. Business men like it, as Cantor states. But they don't like the thought of the powerful film industry or theatre men 'gunning' for them as unfair competitors.

Cantor sees big league broadcasts in person in the lesser key cities, instead of anchoring them in New York or Hollywood, as primarily now being done. He sees units routed like bigtime vaudeville, special paper, special billing, specific tieups with the local community merchants and dealers, etc., as part of the radio sponsorship for direct returns. Radio comedian has been propagating the thought, on the theory that any of the big airshows, which have audiences, have the public

(Continued on page 15)

Laughton's 'Lear' in U. S.

Charles Laughton is not opposed to returning to the U. S., according to Elsa Lanchester (Mrs. Laughton), who arrived from Europe last week. The English star is planning to do 'King Lear' on the N.Y. legit stage in between his Mayflower Picture commitments. He's a partner with Erich Pommer in that English outfit. Miss Lanchester may do several radio broadcasts in this country before returning to England.

FRESH PIX FACES NEEDED, OR ELSE

New Stellar Talent, Conspicuous by Its Absence in 1938, Believed to Be a Major Cause of the Passive B.O. of Late—Exhibits Asking, 'What's Happened to Hollywood?'

RADIO FALLS

Reaching the end of a year in which new star talent has been conspicuous by its absence, industry leaders predict that if the major film companies do not unearth personalities for 1939 that will mean something on the marquee, the situation will become dangerously serious.

As the star lists of the various studios stand now, with too many retained who, exhibitors feel, have outlived their vogue, some of the major lots are being referred to as 'old folk homes.' The recent mild business at the film box is laid partly at the doorstep of this situation.

It is also observed in industry circles that seemingly personalities from radio wear out rapidly on film, possibly because they do the same sort of thing over and over again though that may not be entirely their fault, and, additionally, because they are heard on the radio so often. Regular film stars who are broad-

(Continued on page 15)

WB ABANDONS PAYROLL MUSIC

Warner Bros., which has been perhaps the most music-minded film company from the start—although Metro has since eclipsed it—let its last staff composer off the lot last week. Harry Warren who, with Al Dubin, erstwhile lyricist-partner, wrote most of WB's top film musicals, is no longer on the studio payroll. Warners will clear its music needs via its song publishing subsid, engaging them as occasion arises, per picture, instead of carrying them on the studio payroll.

Reported other drastic slashes will follow, in line with the general Hollywood move for a limited number of film musicals.

Cavalading Hollywood

Hollywood, Dec. 27. 'Hollywood Cavalcade', a history of the film colony, is slated for production in 1939 as one of the top budgeters at 20th-Fox. Darryl Zanuck assigned Ernest Pascal to write the yarn.

Retaliation

One of the backers of Thornton Wilder's 'The Merchant of Venice', which opens at the Guild tonight (Wednesday), is said to be Joseph Verner Reed, whose book, 'The Curtain Falls', several years ago contained a vitriolic pen-portrait of Jane Cowl.

Actress, who's starred in the comedy, was recently quoted as saying she is readying her autobiography, which will contain a chapter intended to 'drive Reed back into his tent.'

RIPLEY SHOW FOR BROADWAY BASEMENT

Fitzgerald Bldg., famed Times Square landmark, becomes a taxpayer wherein will be housed Robert L. Ripley's 'Believe-It-or-Not' Auditorium. This is a switch away from the former idea of possibly taking over the Hollywood theatre or the loft above it as a site for his sideshows. Idea is to coincide with the N. Y. World's Fair, but on Broadway, not Flushing Meadows. Ripley will have the basement.

Street floor will house a mammoth restaurant-cafe and Ben Bernie is being flitted with to do a marathon sustaining on the radio and cash in on his air vogue with the hinterlanders coming to Broadway and the Fair.

Charity 'Blues' Fetes Nationally in Honor Of Handy, Gershwin

A national 'blues' week in honor of 25th anniversary of the first indigo song, 'Memphis Blues', is being planned for next April, when two monster shows will be given in New York, in addition to stunts in Memphis, St. Louis and Hollywood. The silver jubilee of the Blues, as an integral part of American music, will honor W. C. Handy and the late George Gershwin.

Opening concert at Carnegie Hall, New York, April 23, will have Mayor LaGuardia presenting portraits of Handy to the mayors of St. Louis and Memphis for the composer's blues of that name. 'Memphis Blues' preceded 'St. Louis' by one year. Another concert is planned for Madison Square Garden later in the same

(Continued on page 17)

N. Y. Fair's 25c Sideshow Come-On; Frisco Expo's Name Band Plans

Maximum admission price to concessionaire attractions in the amusement area of the New York World's Fair 1939, has been pegged at 25c. The two-bit tap, it is believed by the big show's directing heads, will be an ideal come-on for the family trade. With this in view most showmen in the district to be called The Loop are laying plans for big capacities. This is on top of the 75c gate admision.

There may be certain exemptions in the matter of reserved boxes and seats for some of the aquatic displays in the Fountain Lake Amphitheatre. General admision, however, will be held to a four-for-a-dollar basis.

With four months preparation and building ahead, Fair officials feel there is ample time to complete all the necessary construction in the 280 acre tract which has been set aside for special open air and amusement novelty. Work has progressed on many of the Fair financed enterprises within the sector, including the World's Fair Music Hall, seating 2,500. In this building will be performances of grand opera, ballet, pageants, light opera, concerts and occasional oratory.

Largest of the amphitheatres will be used for the aquatic displays with seating capacity for 10,000.

Billy Rose is pencilled in to handle the water carnival, probably on more expansive lines than his project at the Cleveland Exposition several years ago. A Barbary Coast concession, and shark and alligator wrestling, will be held to a four-for-a-dollar basis.

(Continued on page 15)

Cycle of Patriotic Pix (U. S. Type) Looks To Be '39 Prod. Trend

Washington sources believe that Samuel Goldwyn may also do a patriotic feature, possibly in cooperation with the U. S. Government, titled 'Democracy' but company executives have no knowledge of such a plan.

Picture would be based on achievements of the Lima-Pan-American conferences. Preliminary discussions reported held contemplate financing by popular subscriptions from entire nation.

James Roosevelt's return to his New York desk yesterday (Tuesday) after a visit with the President over the Xmas holidays, may shortly reveal if any discussions were had along this line. UA spokesmen stated young Roosevelt was denying himself to the press.

Metro is planning to string together a group of Fitzpatrick travel shorts into a 45 or 50-minute subject which would attempt to popularize the resources and physical beauties of America.

Loew-MG Bonuses Begin Jan. 1 So Justice Valente May Rush His Decision; 3 Weeks' Trial Over

Whether N. Y. Supreme Court Justice Louis A. Valente will hand down a decision by the first of the year on the stockholders' \$30,000,000 accounting suit against officers and directors of Loew's, Inc., is one to doubt should the attorneys decide to wait until Thursday, the limit given for submission of briefs. This would mean the court would have only two days to decide a case which took more than three weeks to try and involve quantities of documentary and direct evidence.

The trial ended last Thursday (22) and the court set one week in which to file the briefs. The importance attached to a quick decision is that the old bonus and salary contracts for certain Loew and Metro executives expire Dec. 31. These contracts constitute the backbone of the suit, including the cause of action for an injunction to enjoin the new agreements which the court must also decide upon.

Should the decision go against the defendants, an immediate appeal will be taken. This would require months of added time and would temporarily halt any bonus split-ups, unless bonded.

Justice Valente is noted as a fast worker and it is not improbable that he may settle the case in two days' time.

Italian-German Income

The trial wound up with the straightening out of the Italian-German financial setup of the company's producing subsidiaries. The plaintiffs, through their chief counsel, Emil K. Ellis, emphasized that the defendants had shared in the profits of the foreign companies, although some \$1,500,000 profits for 1934-1937 had never been received in this country. Injected into the record also were a number of depositions of witnesses which had been taken on the Coast last summer.

Everybody, even the Judge, seemed glad it was over. Ellis, for himself and associates, expressed thanks to the court for its patience. 'We all like you very much,' Ellis said. Judge Valente smilingly replied, 'I hope you will feel the same way about me after I decide the case.'

Former Judge Joseph M. Proskauer, chief defense counsel, agreed with Ellis' sentiments, saying, 'That was the only time I have agreed with the opposing counsel during the trial.'

The depositions, which were exclusive of those of the defendants which were put in evidence early in the trial, were those of Benjamin Thau, Bernard Hyman, Lawrence Weingarten, Isidor Frey, Mervyn LeRoy, and Arthur Loew.

Defense Rested Wed. (21)

The defense rested its case late Wednesday (21) with William R. Donaldson, of the accounting firm of Miller & Donaldson, as its last witness. Donaldson, whose firm has handled the Loew accounts since 1911, said that the company had written off \$11,000,000 carried on its books as good will in 1925.

He corroborated Tuesday's (20) testimony by William Keating, another accountant for the company, that \$647,000 had been written off as unused stock and continued with the exception of about \$30,000 on three pictures on which continuity is now active.

Last August, the witness testified, when liquidation of Cosmopolitan plays was completed, \$324,000 was charged to loss and written off Loew's books, and the five defendants had their percentage amounts deducted proportionately. He said \$10,000 still being carried on books represents the worth of stories owned by Cosmo.

Marion Davies' 150G Per Pio

Donaldson explained the \$150,000 which Marion Davies received for a picture she did not do, according to plaintiffs. The witness said that a deal had been made with Cosmopolitan Pictures under which the latter would release six pictures through Metro, two of them starring Miss Davies. She made only one film and the \$150,000 for the other was put to the cost of producing the picture, 'Evelyn Prentice,' in which Miss Davies did not take part. This film has been written off the books.

As to the German and Italian (Continued on page 17)

CANTOR TAKES FLIER FOR RKO, BRIT. YARN

Hollywood, Dec. 27.
Eddie Cantor's next picture is 'The Flying Yorkshirman,' based on a British novel by Eric Knight, recently purchased by RKO. Jack Yellen starts work on the script Jan. 3.

It's a straight play, sans songs. Cantor's show biz cavalcade film idea will follow.

WPA SURVEY OF FILM COMPANY FINANCING

Washington, Dec. 27.
Genealogy of film companies with securities listed on American exchanges will be published by the Works Progress Administration as part of a white-collar study of data concerning corporations which have registered with the Securities & Exchange Commission in past four years. First volume, out last week, dealt with a dozen steel producers with assets over \$100,000,000 each.

Number and identity of the picture firms which will be spot-lighted in forthcoming report has not been disclosed. Present plans, still subject to change, are to publish only findings about producers, although study is being made of 'theatre operating enterprises.' Virtually all majors and some smallies will be covered if the researchers, while delving into the archives, glance at papers of every firm with listed stocks.

Mass of data never before compiled was contained in the steel industry summary. Chief contribution was detailed list of all subsidiaries and affiliates, revealing extent of control. Comparable balance sheets of all the 12 steel firms, supplemented by profit-and-loss statements and analyses of assets and liabilities, gave a broad picture of the financial condition of the industry leaders.

While work is being done under supervision of the WPA, the researchers are consulting with numerous private organizations for purpose of obtaining suggestions and additional information. How soon the film genealogy will be out cannot be foretold because of mechanical aspects of the chore.

PAR'S PRUNING KNIFE SNIPS TALENT SCHOOL

Hollywood, Dec. 27.
Paramount is abolishing its talent school Jan. 1 as part of the current economy wave. Oliver Hissindell, dramatic coach, was notified that his option will not be taken up Jan. 12. Hereafter the studio will hire outside coaches when young players need histrionic polishing.

Options on Dorothy Howe and Mary Parker were allowed to lapse. Virtually all the others in the school group have been dropped in the last few weeks along with the LeRoy Prinz dancers.

Ted Lesser, out as head of Paramount's talent department, has been succeeded by Arthur Jacobson. Milton Lewis, Lesser's assistant, remains on the job.

No Interest in Principal

Hollywood, Dec. 27.
Sol Lesser handed a two-month 'no-fault' to the employees of Principal Pictures, including Paul Snell, publicity head.

With his three-picture releasing deal with RKO completed, Lesser has knocked off production until March.

Gags for Wags

By BILL HALLIGAN

Most of the gag men in Hollywood today are living on a Budget-Madison's.

The wits boast of their extensive humor libraries, where Bugs Baer, Dorothy Parker, King Lardner and George Ade are thumbed over hourly to fit a given situation.

The most successful of 'em work in teams, a straight man and a comic. If you can't make the director laugh at a line it doesn't go in the picture.

The loudest and longest guffaw I ever heard in a flicker cathedral was Billy K. Wells' 'the lay of the land,' in 'The Cockeyed World.' Raoul Walsh directed that one when Winnie Sheehan was the Fox studio head. The Hays office must have been in a haze.

The grapefruit Cagney made famous made way for the kick in the pants era, and 'Man Slugs Girl' did okay until the customers went home and tried it on their ball-and-chains.

Miss Parker wrote something about the guests crawling back into the woodwork and that one has been worked over into a thousand variations until it is as hackneyed as Bugs Baer's classic about the Philadelphian who thought the letter-carrier was a Confederate soldier. Everybody gets paid for the bon mots except the authors.

Frank Case, the master of the Algonquin, has a book on the market that seems to be up in the best seller class in spite of the fact that he intentionally omitted a hundred wise cracks because he didn't want to cash in on the other fellows' humor. A lot of writers we know are not so particular. That one about 'I can't go, it's the children's night out and I have to stay at home with the nurse,' is a Ring Lardner classic that brought him about a buck in revenue.

Bob O'Donnell, the Dallas cinema tycoon, originated the crack, 'Loudner and Funnel,' at a banquet where the late Louis Mann was the speaker. Another gag on the dialect comic was the crack about an empty taxicab pulling up to the Friars and Louie getting out. (We're too modest to tell you the author of that one.)

Violsky drops more original and witty remarks than any man we ever knew. The one about the two breadlines—a rye and a white. And the one about the bad picture—'They have to take some more retakes before they put it on the shelf' are sampled.

Bill Fields told us once, 'Never tell a comic. Bunny wheezes . . . write them down and save them until some day you may need them yourself.' That's as good advice as, 'never write a letter and never tear one up.'

There are a lot of gag men in Hollywood, of course, who are witty and clever and do not resort to other writers' material. Ralph Spence, Harpo Marx, Dorothy Parker, P. J. Wolfson, Bob Benchley, Sam Hoffenstein, S. J. Perelman and a lot of others.

'I doff the chapeau to the writer who talks as funny as he writes. Hacks belong behind a hearse.'

L. A. to N. Y.

Ben Blumenthal.
Vi Bradley.
Milton Brown.
J. Edward Bromberg.
Edgar Cater.
Harry Cohn.
George Dembow.
P. J. Friedhoff.
Walter Goetz.
Jean Hersholt.
Jim Lunty.
Nunnally Johnson.
Roger Marchetti.
Burgess Meredith.
John E. Otterson.
Sandra Rameau.
Charles Ruggles.
Leon Schlesinger.
Charles P. Skouras.
James Stewart.
Mrs. John Hay Whitney.

Other News of Interest to Films

British beefs on foreign act influx	Page 11
Robinson-Trevor show east	Page 21
Colman added to Kellogg show	Page 22
How Lasky-Wrigley-RKO radio tieup works	Page 23
Radio reviews: Jack Benny, Bing Crosby, Joe Penner, Barthelem-Hopkins, Frank Morgan, Fred Allen	Page 32
Dreyfus brothers buy back T. B. Harms	Page 33
Midwest vaude underst denting pix	Page 35
New acts: Lionel Stander	Page 37

Voluminous Testimony Aired

Taking of testimony in the Loew accounting suit which ended last Thursday (22) occupied three weeks, or actually 16 court days. Although only five witnesses were placed on the stand by the defendants and one an accountant, by the plaintiffs, over 2,000 pages of their testimony was taken. Besides this 2,500 pages in testimony were taken last summer on the Coast in the form of depositions.

The exhibits introduced by the plaintiffs numbered 139 and the defense had 80. Besides the plaintiff's accountant, Bernard Reis, who occupied the stand intermittently for five days, Nick Schenck was the longest to be under fire. He was questioned for three days.

The importance of the trial was indicated particularly by the fact that each of the nine plaintiffs, all stockholders, were represented by individual counsel. Emil K. Ellis was selected by the court to present the consolidated action. The defense was fronted by former Judge Joseph N. Proskauer and three associates.

47 Pix in Work, and 45 More to Roll; Hollywood's Heavy Production Sked

14 TO BE MADE BY 20TH IN ENGLAND NEXT YEAR

20th-Fox is planning a heavy schedule of production in England next year, according to plans brought over from England last week by Robert T. Kane, company's production head in that country. He's now in Hollywood discussing the program with Darryl F. Zanuck. A maximum of 14 pictures have been lined up, single, double and triple quotas, although only eight will be completed for the 1939-40 season. Program is budgeted at approximately \$5,000,000 for the 14 films. Three pictures at least will be of triple-quota quality on which \$600,000 to \$750,000 each will be spent.

Kane will act as administrative liaison executive for the company, with Maurice Ostrer and Edward Black having general supervision over actual production, at the Gainsborough studios in Kingston. The contemplated program is not a joint venture with Gaumont-British Pictures but will have the effect of fewer pictures coming from GB, through 20th-Fox virtual takeover of all available studio space for its own program. Four or five GB stars are also being loaned to 20th-Fox.

First film of the new lineup will be 'Where's the Fire' with Will Fyfe starred, shooting to begin Feb. 1. Balance of pictures to be made are 'Shipyard Sally' with Gracie Fields; 'Sam and Sally' with Fields and Fyfe; 'Rob Roy,' in color, starring Michael Redgrave, Margaret Lockwood and Fyfe; 'Gold Rush,' 'London After Dark' with Sydney Howard; 'Monday Night at Seven'; 'Charley's Aunt' starring Arthur Askey; 'The Blue Lagoon' in color with Lockwood and Fyfe; 'Hangman's House' with George Sanders; two Annabella pictures, one of which is 'Sunshine Susie'; 'The Girl in the News' with Redgrave and Lockwood; 'They Came By Night' with Nova Pilbeam and Fyfe.

All pictures will be distributed by 20th-Fox, some of them worldwide. Mickey Hood, who made her first picture in 'Inspector Hornleigh,' is being brought to Hollywood for an American picture next March.

Clock Punchers All

Hollywood, Dec. 27.
Beginning today (Tues.), clock-punching becomes general on the Paramount lot. Hereafter only certain classifications had been required to punch, while the studio awaited instructions from Washington on details of the Wages and Hours Act. Now all but producers and department heads must tote a punching ticket.

Hollywood, Dec. 27.
With 47 features currently in work and 45 more slated to roll next month, Hollywood's army of film makers is assured of employment until March 1, at least.

Customary December slump, bugaboo of the town in the past, was obviated by a rush of production this year, giving the neighborhood merchants their biggest holiday cash business in a decade. Rush continued today (Tues.) with seven more pictures stalling, in addition to the 40 already in work.

Warners leads in January starters, with eight slated to roll. 20th-Fox is putting seven into production. Paramount and Republic six each, Metro five, RKO and Universal four each, United Artists three, and Monogram and Fine Arts one each.

Ten in Two Months at RKO

Starting dates for 10 more pictures, enough to keep the studio busy until the middle of March, were announced by RKO. Shooting begins Jan. 1 on an untitled George O'Brien western.

Others to follow are: 'Picardy Max,' Jan. 10; 'They Made Her a Spy,' Jan. 11; 'What's a Fixer For?,' Jan. 24; 'Little Mother,' Jan. 26; 'G-Dog,' Jan. 30; 'Wildcat Bus,' Feb. 7; 'Sorority House,' Feb. 7; 'The Second Shot,' Feb. 21; 'Saint in London,' Feb. 25.

Douglas Corrigan's first film fight, 'Flying Irishman,' wound up in the right place on the RKO lot, but finished one week behind schedule. Fyfe will spend the holidays autographing copies of his book, 'That's My Story.'

Work is being rushed at Warners to complete six pictures by Jan. 9, when Grady Wall L. Sears distribution head, arrives with Carl Leserman, Sam Schneider and Mort Blumenstock for studio confabs.

SAILINGS

Jan. 5 (New York to London), William H. Fitelson (Manhattan).
Dec. 28 (Genoa to New York), Lee Ebrahali (Genoa di Savola).
Dec. 28 (New York to London), Clifford C. Fischer, Louis Dreyfus, Countess Keller, Max Miller, William Skirball, Joseph Somlo, Madeleine Carroll, James M. Cain, Fred Dreier, Hamish Hamilton (Normandie).
Dec. 28 (New York to Genoa), Sam H. Farns (Roma).
Dec. 24 (London to New York), Four Franks (Franconia).

ARRIVALS

Pearl Buck, Charles Graves, Jacques Catelain, Robert T. Kane, Benjamin M. Davis, F. L. Hatley, Rudolf Serkin, Raya Garbousova, Edward Scholdam, Carl Dixon, J. Carlo Bavetta, Gilbert Miller.

N. Y. to L. A.

William Bowers.
Matty Fox.
Vincent G. Hart.
Robert T. Kane.
Walter Woolf King.
Victor M. Shapiro.
Harold Tarshis.

COLLIER-ASTOR SETTLE

Hollywood, Dec. 27.
Ruth Collier has settled her commission suit against Mary Astor which has been in court 6 years. Under terms of settlement, the agent receives \$3,000.

HOLLYWOOD BUCKLES DOWN

NOV.'S \$1,985,127 U.S. TAX TAKE BEST IN '38

Washington, Dec. 27. Approach of cold weather hyped film business, latest Treasury Department figures show, and October grosses rose to the highest level this year. Continuance of the up-and-down jitters saw the Government's slice, represented by tax collections during November, hitting \$1,985,127.

Break in prolonged gloom was emphasized by the \$388,761 jump over September collections. Largest increase from one month to the next in almost two years. Even though the sum was far behind 1937—when November Treasury receipts from the 10% bite touched \$2,242,573—the \$1,985,127 haul has topped only three times in approximately five years. Previous high for 1938 was the \$1,773,075 paid into the exchequer during March.

Although things took on a rosier hue, admissions still are trailing last year. Eleven-month collection figure was \$17,640,945 against \$18,684,000 at the same point last year, but were \$1,400,000 better than the same period of 1936.

Zukor's Long Trip Augurs Chairmanship Of Board to Griffis

Stanton L. Griffis is expected to be named chairman of the Paramount Board some time after the first of the year upon his return from a Miami vacation. He has denied several times that the chairmanship would be shifted from Adolph Zukor.

When latter was named chairman, a more or less honorary title in Paramount, Barney Balaban was brought in as president, power in Par being vested in the latter office. However, in view of the fact that Zukor has not been present at more than a couple board meetings during the past three years and now is off on a world tour from which he will not return for nearly a year, it is considered more desirable that someone at the h.o. or nearby be on hand to bang the gavel at meetings.

Due to the fact that Griffis is chairman of the executive committee, which actually decides policy and other matters, it is felt that the chairmanship should be added to his duties. Griffis, also, is a director of the company.

Par held a brief board meeting Wednesday (21), meeting for the first time in the forenoon. Session lasted only a few minutes, with nothing but routine coming up, it is understood.

Stockburger to M-G?

Sacramento, Dec. 27. State Director of Finance Arlin E. Stockburger declined to comment on a capital report that he may become connected with Metro-Goldwyn-Mayer when he leaves office soon because of the change in state administrations.

Stockburger, it was said, would be given a position with the picture concern, dealing with financial matters.

Hays to Coast Jan. 15

Will Hays, in Sullivan, Ind., for the holidays, is due back in New York in time for the adjourned quarterly session of the Hays directors Jan. 4. Hays plans to go to the Coast for his regular midwinter visit about Jan. 15.

SKOURAS TO GREECE

Los Angeles, Dec. 27. Charles P. Skouras, head of Fox West Coast Theatres, left for New York today (Tuesday) on the first leg of a trip to Greece, where he will spend two months on business and pleasure. Accompanying him are his wife and daughter, Margy.

THE FILM DRIVE—REMEMBER?

Motion Pictures Greatest Year, including the \$250,000 Movie Quiz contest, winds up on Saturday night (31). That is, under the rules of the public contest, answers to the Quiz must be in the mail by that date.

Surely there are some in the industry who remember the '\$1,000,000 Advertising Campaign for Motion Pictures' which was inaugurated, last summer by major film companies, affiliated theatre circuits and independent theatres. The fund was raised by subscription. The majors kicked in \$500,000, the affiliated circuits \$250,000, and independent operators, \$250,000.

The program was ambitious and the ends to be achieved worthy. Prestige for motion pictures was to be re-captured and public enthusiasm whipped to a frenzy. There was some ballyhoo at the start off, but an honest appraisal at the end of the effort of four months finds the film industry just where it was before the drive started.

That is to say, the good pictures are drawing good business; mediocre films mean nothing at the boxoffice.

The main idea at the start of the drive was to win favor of the country's newspapers and get them to say some kind words about the film industry. When the management committee announced that \$600,000 would be spent in newspaper advertising during the drive, the editorial comeback was tremendous. The dailies went to town in praising the courageous leadership which had united an industry in a campaign for boxoffice revival.

The press outdid itself in some sections in supporting the idea of spending a lot of money in newspaper advertising. Radio stations, which were exempted from any appropriations, didn't think the scheme held much merit.

Then it was announced that every newspaper in every city on the list would get the advertising copy, regardless of individual values. At this point the editorials began to drop off.

Meanwhile some millions of copies of a Quiz book were shipped to theatres throughout the country, and full details of the cash distribution of \$250,000 to the public were carried in the newspaper ads. It was to be a giant giveaway of cash, somewhat comparable to the Irish Sweepstakes, which make such funny episodes in the newsreels.

The film industry was launched upon the greatest of all banknotes, screenos, free dishes and premiums which ever had been promoted in American salesmanship.

What no one seemed to realize was that the

picture-going public had lost all zest for this type of thing, even months before the campaign opened.

Local and regional chairmen were appointed to keep the drive at fever heat, but the public generally was cool from the start and kept getting cooler.

The industry's trade press, as the medium for sustaining exhibitor interest in the campaign, was completely ignored, and exhibitors, bereft of the advantage of accurate, pithy and enthusiastic propaganda, became apathetic towards the whole scheme.

So a good idea, a prestige advertising campaign for the entire film industry, has petered out. The prize winners in due season will be selected, their names announced, and the Greater Motion Picture Year Campaign will be just one of those things which it is not nice to talk about.

It could have been great, its benefits tangible and lasting.

Trouble is that the planners of the campaign completely overlooked the three fundamental essentials in a promotion of this size and importance.

Instead of passing out \$250,000 in cash to the customers, they should have set up awards which would have stimulated the making of better films in Hollywood.

Then they should have organized a field staff of scores of experienced film exploiters who, working with the circuit and independent theatre managements, would have advertised the better-made product in connection with actual exhibition.

They should have put aside enough of the appropriation to have financed a consecutive, smashing and cumulative campaign in the trade press, the only means at hand to disseminate hot-off-the-griddle information and exploitation.

Latest information from the campaign headquarters is that a two-page questionnaire is being mailed to all exhibitors asking for information on every film subject from double-features to the relative drawing power of the various film stars.

Oh, yes, they also are asking exhibitors what trade papers they read, and what major product they show.

Just what this has to do with Motion Pictures are Your Greatest Entertainment and the \$250,000 Movie Quiz contest remains to be explained.

JOLLY MOMENTS AT END IN '38

Old Man Economy Lays Heavy Hand on Studio Exchequers—Execs on Job at 8 A.M. as Example Setters—Old Institutions Go

MORE TO COME

By BOB MOAK

Hollywood, Dec. 27. Film industry's good-time-Charleys are packing their bags preparatory to accompanying Old Man 1938 on the grand scam. They are victims of the economic revolution that has been sweeping the picture business for the past 12 months.

Dawn of 1939 finds Alldom's New Deal thoroughly and securely installed in the saddle, speedily recruiting an army of seasoned, hard-working showmen to handle production reins. Art no longer is spelled with a capital 'a' as a cover-up for boxoffice flops. Business acumen has become something more than a pair of high sounding words.

Hollywood finally has learned that business and play are o.k. when blended in proper proportions, but that too much play, taken straight, is merely grease for the skids that lead to oblivion. Result is that the free-and-easy attitude that has marked the business of celluloid manufacture since the peep show days have been shoved into the discard, and those responsible for task of supplying the world with cinema product are on their toes as never before. Battle for important spots on plant payrolls today has simmered down to a matter of survival of the fittest.

Imagine 'The Surprise' Metamorphosis got away to gradual start last January when studio operating costs began to mount in the face of a declining domestic theatre take and a tightening of blockades in foreign markets. Alarmed home office biggies began making more frequent trips to the Coast, bringing with them ever-

(Continued on page 15)

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INDEX

Bills	40
Chatter	46
College Rhythm	34
Concert	42
Dance Bands	34
Exploitation	20
15 Years Ago	37
Film Booking Chart	19
Film Reviews	13
Forum	47
House Reviews	38-39
Inside—Legit	42
Inside—Music	34
Inside—Radio	32
International News	11
Joe Laurie	6
Legitimate	41-44
Literati	45
Music	33-34
New Acts	37
Night Club	35-37
Obituary	47
Outdoors	47
Pictures	2-20
Radio	21-32
Radio—International	27
Radio Reviews	32
Vaudeville	35-37

KORDA STAYING WEST FOR UA B'D MEETING

Alexander Korda has postponed his quick return to London for start of his next production, 'Thief of Bagdad,' and is staying on at Coast for the annual stockholders' meeting to take place in Hollywood, Jan. 12. Korda's London Film Productions, Ltd., will produce pictures in America again, probably three for the United Artists' '39-40 program.

Korda will shuttle back and forth between the U.S. and England, where he will make two pictures of his total program of five. These are 'Bagdad' and Kipling's 'The Jungle Book.'

C. H. Browne, Prudential Assurance attorney, who came over with Korda from England to protect Prudential interests in Korda's forthcoming American setup, has since returned to England, but is expected to return to the U.S. again early in January.

MUSIC MATTER UP JAN. 9; CASEY IN

Executive board of the American Federation of Musicians is slated to meet the week of Jan. 9 in New York to go into a huddle with Pat Casey and heads of the producer-owned theatre chains on the question of placing pit orchestras. Joseph N. Weber, AFM prez, returns from his California vacation this Tuesday (3).

Just before he left for the Coast last November the AFM board and the group of studio-theatre officials had agreed to table the issue temporarily while the latter sought to develop a solution.

FOUR PLAYERS DROPPED IN PAR ROSTER REVAMP

Hollywood, Dec. 27. Options on Joan Bennett, Franckia Gail, Ann Todd and Frances Dee were dropped by Paramount as part of the general revision of the studio's contract list. Others to be dropped from the roster when their contracts expire next month are John Hart, Nora Gale, Harriette Haddon, Dorothy Howe, Mary (Punkins) Parker and Janet Waldo. Dropped from the writer list were Doris Anderson, Henry Meyers and Jerry Odium, who were replaced by Richard English, Walter Ferris and Robertson White.

100 More Seats Than Pop. Minneapolis, Dec. 27. Pierz, Minn., near here, has more theatre seats than its population of 600. Star, recently built, representing a \$10,000 investment, has 700 seats.

Hutchinson of 20th Details Plan For Fox Co. and UA to Invade South African Field; B. R. 33-63 Houses

Considerable progress in the plan of American major distributors to invade the lucrative South African picture market, now more or less controlled by the Schlesinger theatrical interests with 200 theatres in that territory, was revealed when Walter J. Hutchinson, foreign manager for 20th-Fox, arrived in New York (22) after a long survey of conditions there. United Artists, of its own volition, will enter an exchange in Johannesburg in February, and 20th-Fox and UA have a joint understanding to grant long-term franchises for their product to independent exhibitors and theatre operators.

Principal effect of this has been an encouraging stimulus to So. African capital to buck Schlesinger interests by erecting an independent chain of 33 houses, which may be extended to 63 cinemas by the end of 1940.

Six theatres have been completed; three in suburbs of Johannesburg, one in Durbin, one in Bloemfontein and one in Germiston. Another important 2,100-seat theatre will be constructed in Johannesburg by private capital, together with 20th-Fox, which is contributing \$200,000 toward the project. Construction starts in March.

Hutchinson pointed out the richness of the South African market, stating that 80% of the people are engaged in mining and production of gold. Cost of living is high, theatre admissions are high and picture grosses likewise are high, but income brackets are on a like plane. There isn't a city in the world where a picture is worth as much in a first-run engagement as in Johannesburg with its 500,000 population, according to Hutchinson.

South African picture situation is now resolving itself into three large available outlets. First there is the Schlesinger chain of theatres, playing RKO, Warner, Paramount and some independent product; (2), the theatres through which Metro product flows, and (3) the new chain, now being organized for United Artists and 20th-Fox pictures.

Foreign grosses of 20th-Fox during 1938 will show a small increase over 1937 in actual dollars but, considering the volume of sales over the previous year, the increase is a large one. Constant fluctuation and depreciation in foreign currencies and exchange have kept actual receipts down.

The foreign division of the annual Sid Kent sales drive was won by the Far Eastern countries, despite unsettled war conditions. England produced a good increase in business over last year. Hutchinson found film business in South America normal. The company opened a new exchange in Panama, under supervision of W. W. Sullivan.

South American Slant
20th-Fox product in Ecuador is released through Metro exchange and in Lima, Peru, and Santiago, Chile, pictures clear through Metro's first-run theatres. Situation in the Argentine is about normal although there are currency restrictions and an increasing resentment against the U. S. because of a reported meat embargo. Hutchinson does not believe, however, that the government will go so far as to nationalize the Argentine film industry. Considerable opposition from Spanish-made films was felt this year, particularly in small towns.

The general problem in Spanish-American countries is necessity of exchanging their natural products for gold. If they can increase their foreign trade in the world market, they will have additional purchasing power and more money to spend for amusement and picture entertainment.

Otto Boile's pioneering to open the film market for 20th-Fox and in stimulating building of independent theatres in South Africa was lauded by Hutchinson. Latter leaves New York Jan. 14 for product conferences on the Coast.

So. Africa Cautious

About Over-Seating

Capetown, Dec. 10.
Pending confirmation from United Artists head office, Arthur Kelly, foreign manager for United Artists, at present in South Africa, has fixed an agreement with W. J. Hutchinson, foreign manager for 20th Century-

Can't 'C' a 'B'

Big exhibit in eastern key city who runs off a dock of Bs at one of his first-run houses there has written the town's film critic asking 'in behalf of the industry' to refrain from referring to any picture as Bs. Note told them it's bad for biz and that Hollywood is trying to live down designation as would the boy as a special favor, just forget about classifying them alphabetically.

One of trix contacted told the exhibit he would oblige and label 'em Cs in print.

COL. GIMP'S SENTENCE POSTPONED TO JAN. 5

Los Angeles, Dec. 27.
Martin ('Moe the Gimp') Snyder, found guilty of attempting to murder Myrl Alderman, accompanist of his former wife, Ruth Etting, will not be sentenced until Jan. 5, when the 'Colonel' will ask for a new trial. Sentence was postponed from yesterday (Tuesday). A jury of six men and six women was out 46 hours before adjudicating him guilty. Judge Thomas Ambrose called it an intelligent verdict.

Snyder was absolved of three other charges, that of attempting to murder Miss Etting and his own daughter, by a former marriage, Edith Snyder, and of violating the California gun law. Jury failed to reach an agreement on the fifth charge, that of kidnapping Alderman. It was this charge that kept the jury out so long.

Conviction for attempted murder carries with it a sentence of one to 20 years in the penitentiary. The shooting took place Oct. 15 in Miss Etting's Beverly Hills home after an argument between Snyder—who had been divorced by the singer after 17 years of marriage—and Alderman.

While the trial was in progress, Miss Etting and Alderman flew to Las Vegas and were married.

No Time for B'way

Hollywood, Dec. 27.
Genevieve Tobin turned down a part in Sam Goldwyn's Broadway play, 'No Time for Comedy.' Picture work keeps her in Hollywood.

Studio Contracts

Hollywood, Dec. 27.
Rochelle Hudson inked player pact at Columbia.

Warners renewed Milton Kresns' writer ticket.

Columbia signed Peter Martin, writer.

Norman Krasna given writer contract at RKO.

RKO renewed Allan Lane's player contract for one year.

Joe Laurie, Jr., signed by Metro as player-writer.

Metro renewed George B. Seitz' director ticket.

Nelson Eddy inked new contract at Metro.

20th-Fox signed Kane Richmond to new covenant.

Hal Roach renewed Harry Langdon's ticket.

Fox, recently over here, for the two concerns to combine for the South African market, to release their programs, and it will end in a cut-throat business. It is undoubtedly certain that African Consolidated Theatres (Schlesinger) and Metro will put up a stiff fight to retain their standing in South Africa.

At the end of March there will be more than 30 cinemas carrying the programs, with 20 more at the end of 1939.

These plans must be accepted with caution, as this country will not stand for an overdone of cinemas, and it will end in a cut-throat business. It is undoubtedly certain that African Consolidated Theatres (Schlesinger) and Metro will put up a stiff fight to retain their standing in South Africa.

Kelly sailed Dec. 9 for England and the States.

LEO SPITZ HEADS CHIEF DRIVE FOR REFUGEES

Chicago, Dec. 27.
Leo Spitz has accepted the job to chairman the show business committee, which is part of the general Chicago committee designated to raise \$2,000,000 for the relief of European refugees.

Spitz accepted the post following withdrawal of John Balaban, forced to give up the job by the pressure of Balaban & Katz circuit duties.

GUILDS AGAIN WILL HANDLE 'OSCARS'

Hollywood, Dec. 27.
Annual Academy 'Oscar' awards in March will again be supervised by the various studio Guilds and crafts, it was disclosed this week by Donald Gledhill, executive secretary of the Academy of Motion Picture Arts and Sciences.

Academy tops said rules adopted last year proved so satisfactory that no major changes were anticipated this year. Meeting of Academy governing board will be called shortly after Jan. 1 by President Frank Capra to appoint a general awards committee.

While the Guilds have not yet been approached by the Academy, Kenneth Thomson, executive secretary of the Screen Actors Guild, said he knew of no reason why the actors would not participate on the same basis as last year. With the extras balloting in the nominations in the extra division, the total vote may reach 15,000.

The various special awards will be decided by the board of governors and general awards committee. One of these will be a scientific or technical trophy. This will be awarded for a device, method or discovery that is considered of outstanding value to the motion picture industry. Device must be actually employed in production of pictures within the awards period.

To These the Spoils
Awards that are certain to be retained by the Academy include: most outstanding film, best performance by an actor, best performance by an actress, best supporting actor performance, best supporting actress performance, best direction, best cameraman, best written screen play, best original film story, best picture song, best assistant director or unit manager, best art direction, best film editing, best musical scoring, and various awards in short subject divisions.

Nominations in the actor division will be made by the senior members of the Screen Actors Guild, but Class B members, or extras, will be permitted to vote in the finals. Directors and writers also will be allowed to vote in the actor finals. Directors who plan to make their own nominations, but the actors will be allowed to ballot in the final selection of director and writer divisions. This is the same policy as was followed last year.

Acad-Guild Breach Healed

There was slight tiff between the Academy and members of the Screen Actors Guild over proposed expansion program for the Academy, but this is believed to have been healed when the plan was ditched. Frank Capra is president of both the Academy and the Screen Directors Guild. Several members of SDG are also on Academy board of governors.

Definite position to be taken by the SDG and the Screen Writers Guild, which are now engaged in a fight for producer recognition, will not be known until invitations for them to cooperate are sent out by Academy shortly after Jan. 1.

WB's New Stars

Hollywood, Dec. 27.
John Garfield, Ann Sheridan, John Payne and the End Kids have been elevated to stardom at Warners. Dead Enders get the boost as a group, not as individuals.
Warners has 76 players, 13 directors and 52 writers on its contract list, according to latest checkup. Studio at normal strength.

Plenty of Legal Pressure in '39

Picture business expects to be under tremendous pressure throughout the forepart of 1939. Pressure is expected to come both from legislative fronts and from anti-trust litigation and stockholder actions.

The new Congress swings into action next month. Starting in January, 44 states out of 48 are scheduled to hold regular sessions although some do not convene until spring. Of the four remaining states, special legislative sessions are expected in three.

Biggest threats in Congress are blockbusting legislation and statutes incorporating the theatre divorcee idea. Anti-blockbusting measures are assured of introduction and many predict some such measure will pass at the forthcoming session.

Old age security and unemployment pension money puts terrific pressure on state solons to dig up new measures of taxation in order to supply added funds. Federal social security is forcing the various states to raise half of the necessary coin, and inevitably the legislators turn to the film industry as a source of new coin.

At the same time, the picture business is trying to keep down unfavorable legislation in perhaps 45 different localities including Washington, and it still has the Federal anti-trust civil suit pending.

Both are expected to provide what additional ammunition is needed to jam through expensive (to the industry) legislative statutes. Trade leaders admit that they are getting the worst possible press on the Loew stockholders suit.

Jas. Roosevelt Seen as Key to New UA Talk Involving Goldwyn-Korda Buy

Financing sources through which the takeover of United Artists by Sam Goldwyn and Alexander Korda, cold for some time now, might be ultimately carried through, are reported to have figured in the deal under which James Roosevelt became a vice-president of Sam Goldwyn Productions, Star of the President, now in the east to spend the Christmas holidays, will headquarter at the UA home office for several months following New Year's.

The money background to the Goldwyn-Roosevelt association, if not meaning a revival and possible consummation of purchase of complete control of UA by Goldwyn and Korda, could figure in connection with production for Goldwyn or others in UA. Company presently financed by Walter Wanger, having added \$1,500,000 to original budget so that his program for this season (1938-39), could be increased from five to eight.

Any financing brought about directly or indirectly through Roosevelt could also indicate an investment in behalf of the President's son and plans by him to become actively identified with UA as an investor.

The last time the UA takeover by Goldwyn-Korda was up, a total of around \$3,500,000 figured in the negotiation. Since that time, UA effected a plan under which producers share in UA profits in ratio to the earnings of their pictures, a development that may eliminate further interest in a complete takeover. With Douglas Fairbanks, financing three more pictures this year and Charlie Chaplin one, the only producer-owners now not active is Mary Pickford.

UA Partners Parley Jan. 12

Hollywood, Dec. 27.
Annual meeting of United Artists stockholders is slated for Jan. 12, with all five owners expected to attend.

Alexander Korda is already here, and Douglas Fairbanks has promised to return from England in time for the hurdle.

London Films \$2,750 Net

London, Dec. 12.
London Film Productions, Alexander Korda managing director, has issued its latest annual report for the past year, which reveals a profit of \$2,750. The reason given is the financial and political situation and the controversy waged over the new Films Act.

The company has, however, four pictures completed that have not yet been released.

U LOADS UP WITH TALENT FOR NEW YEAR

Hollywood, Dec. 27.
With 18 thespians under term contract and 21 more under special pact for one or more pictures, Universal faces the new year well fortified with name and featured players.
Latest contractee, Richard Arlen, is signed for six pictures, Jackie Cooper for three, George Murphy for four, Margaret Sullivan and Danielle Darrieux for three each, and Adolphe Menjou, Vincent Price, Barton MacLane and Joy Hodges for one apiece.

Harman-Ising Cleared

Los Angeles, Dec. 27.
Harman-Ising Productions, Inc., was discharged from 77b by Federal Judge Leon R. Yankynovich, who praised Hugh Harman and Rudolf Ising and Harry Wurtzel for having paid off all creditors in full.
Bankruptcy action involving about \$25,000.

RE-EDIT 'ST. MARTIN'S LANE' FOR U. S. OKAY

Mayflower ('Pommer-Laughton) production of 'St. Martin's Lane', starring Charles Laughton, has been re-recorded, re-cut and reedited to conform to the American production code suggestions.

Budd Rogers, American representative of Mayflower, expects new prints to arrive from London by Jan. 1. Paramount has first option for the film's release.

Par's current release of 'The Beachcomber' (also Pommer-Laughton) likewise had to be reedited for U. S. consumption.

Lubitsch at M-G to Direct Garbo's Next

Hollywood, Dec. 27.
Ernst Lubitsch signed as director with Metro, directing the Greta Garbo picture, 'Ninotchka,' as his first job.

Metro also took over his services as producer-director on 'Around the Corner,' the picture he had planned to produce independently. Shooting will be delayed until the return of Margaret Sullivan.

Leaves It High and Dry

Hollywood, Dec. 27.
To avoid international complications, Sam Goldwyn passed up his option on 'Dry Guillotine,' Pierre Belbenoit's tale of France's penal colony.

Action followed French government's protest on Warners' 'Devil's Island.'

'Nancy' Gets an Upping

Hollywood, Dec. 27.
Budget on Warners' Nancy Drew series gets a tilt as result of the reception of 'Nancy Drew, Detective,' first of the string featuring, Bonita Granville.

Upping goes into effect on the third picture, now in preparation, to follow the second of the series, 'Nancy Drew, Reporter.'

750 Color Prints

Metro may set a new record for Technicolor prints on a single feature. To get 'Sweethearts' into 375 spots last week nearly 400 prints were turned out.

It is now planned to run the total up to 750.

EXTRAS' COIN OFF \$430,000

Statistics on the Mobs

Following table for final quarter of 1937 and first eight months of 1938 shows how studios have started to use higher type of extras:

1937					
MONTH	TOTAL	\$5.50	%	\$8.25	%
Oct.	27,700	6,703	24	7,366	23
Nov.	15,515	1,913	12	4,392	25
Dec.	20,956	3,475	16	5,015	23
1938					
Jan.	15,655	2,173	13	3,963	25
Feb.	23,226	5,013	21	7,212	31
March	15,326	3,827	24	5,016	32
April	18,531	4,076	22	5,672	30
May	23,958	5,562	23	7,261	30
June	27,438	5,781	21	8,508	31
July	29,116	7,098	24	9,332	31
Aug.	20,524	4,005	19	7,439	36

Alleged Holding Out on Strong Product Pre-Xmas Riles Quakers

Philadelphia, Dec. 27. Local RKO exchange execs were kept busy last week denying charges by exhibitors that they were holding out product for after Christmas. Exchange delivered only one pic during the whole month of December, "Next Time We Marry," a B, and had no film for Christmas. RKO maintains that the pictures weren't being held out, but merely weren't ready for release.

Exhibitors' pet beef, of late, is that the very best product should be fed out in bad seasons to offset things. Universal was also added last week to many exhibitors' frowns, twin bill of "Dracula" and "Frankenstein" was booked by the exchange into many nabes, set to break about the second week of January, but it was then discovered that "Son of Frankenstein," new, is to be released for first run at about the same time, so the nabes dates were pulled to protect the mid-town houses on "Son." Exhibitors were anxious to get the dualler as it has been grossing well at the Studio, 350-seater, downtown. Enters its sixth week at the house on Thursday.

Pathe Still Working Out Its New Plan To Liquidate Co.

Directors of Pathe Film Group, still are working on a new plan of liquidation and recapitalization for the company to take the place of the one which lost out earlier this month. Indications are that the new plan will not be ready for submission to common stockholders before the first of next year.

Because only about 60% of 585,000 shares of common were represented in person or by proxy at the special meeting set to approve the plan about two weeks ago, the original Pathe plan automatically was defeated. It required approval of at least 80% of the common stockholders.

GILLHAM BACK WEST TO REVAMP PAR SETUP

Bob Gillham, back from the Coast in time for Christmas, will leave shortly after the first of the year to spend several months at the studio, coordinating the advertising and publicity activities west.

The setup there, with Terry DeLapp in charge of the publicity department and Cliff Lewis over advertising, will remain the same. Al Wilkie, who was reported possibly going out to head the combined departments, will stay in the east.

Hollywood, Dec. 27. Bob Hussey, with Terry DeLapp's publicity staff at Paramount, takes command of the studio's new department of radio exploitation Jan. 1. Bert Holloway, news editor, moves up as DeLapp's chief assistant.

DROP DESPITE 10% WAGE TILT

Studios Called Mob of 296,-137 Last Year for \$2,986,-372 Divvy—Daily Average Up to \$10.76—Economy Drive Blamed for Slump

OLDSTERS HIT

Hollywood, Dec. 27. Total earnings of film extras dropped \$430,000 this year despite a 10% wage tilt. Central Casting reports that approximately 40,000 fewer jobs were handed out in 1938, and that loss in earnings would have been even higher but for a 10% wage tilt given atmosphere, players.

Studios used 296,137 extras during 12 months of last year, players dividing \$2,986,372.89. Total job placements during 1938 were 256,336. Average daily earnings of extras climbed from \$10.03 in 1937 to \$10.76 this year.

Both studio executives and actors admit there has been a definite trend away from the use of large numbers of atmosphere players in 1938 productions. "Captains Courageous" was an example. Less than a handful of extra players were used, although the film was one of the boxoffice hits of the year.

Actors blame decrease on retrenchment policies of companies. Some of them claim writers have even been instructed to eliminate sequences and scenes calling for the use of large numbers of extras. Studio executives deny there has been any general policy to cut down on use of extras. They insist it just happened the class of films produced did not call for big scenes.

There has been a general policy, however, to use a better type extra. As a result players in the higher-wage brackets have secured most of the work. Younger faces also have received the majority of calls. Later is especially true of femme extras. Those over 35 are getting only occasional jobs.

Swing to Dress Extras
Records show that although 14% of registered extras are over 50 years of age, only 5% of group is working. Swing to use of higher-salaried extras started in fall of 1937 after new wage agreement with the SAG became effective and continued throughout 1938.

Of the total number of extras employed in October, 1937, 36% were paid \$11 per day; 42% received \$11 in November of that year, and 40% in December, 1937. Higher type extra continued to draw the assignments this year, with 44% receiving \$11 per day in January, 34% in February, 26% in March, 28% in April, 35% in May, 29% in June, 27% in July and 26% in August. Figures for the final quarter have not been compiled, but directors at Central Casting claim the percentage for that period will be even higher.

Percentage of \$8.25 players ranks second, with those drawing \$5.50 checks in a small minority.

Heavy production schedules the last three months of the year enabled extras to lay up a surplus for Christmas. Players received approximately \$750,000 for work during that period.

Total job placements for months in 1938 compared with 1937 follow:

	1937	1938
Jan.	25,280	15,655
Feb.	31,417	23,226
March	30,462	15,326
April	33,640	18,531
May	19,372	23,958
June	22,276	27,438
July	29,786	29,116
Aug.	24,881	20,524
Sept.	25,139	16,893
Oct.	27,700	20,956
Nov.	15,515	20,981
Dec.	20,959	20,000

296,137 256,336
Dip in earnings has resulted in considerable dissension among Class

MAIN STREET AND ACTORS

This is the time of the year when actors and entertainers generally are asked by innumerable organizations all over the country to give their services free. In the name of charity. Many of the charities are unquestionably worthy. Others, perhaps, wouldn't care for any acute probing of who benefits and how much. This is not the place to bring up the question of swivel chair overhead. Suffice that nation-wide abuses of the charity theatrical entertainment have given plausible excuse for a 'control' system fostered by the so-called Theatre Authority. The latter works with and in general has the privately expressed, if not publicly proclaimed, blessing of the actor craft unions and their membership.

Not the least guilty, among those who exploit talent and demand gratis appearances, are certain provincial newspaper columnists and/or publishers exerting pressure upon these columnists. The only point for trade paper comment is just this—there must be no confusion between a 'favor' and an 'obligation.' Performers are famous—and to their credit—for generous giving of their services. But this ought to be clearly recognized as a voluntary act of kindness and in no sense an obligation. There is a not-to-be-tolerated tendency in some communities to peevishly translate an occasional refusal into ungracious inferences that the actor or entertainer is 'indifferent' to the orphans or other ostensible beneficiaries. Abuse of traveling performers, direct or indirect, for declining to participate in locally-sponsored charity entertainments is pretty thick. There is no similar thought of stigmatizing or 'nasty cracking' about traveling salesmen or other visitors who, for their own reasons, decline to respond to local charity promotions.

That famous banquet in Detroit a year or more back where buttered rolls and other items from the table were thrown by drunken actors that they were giving their services to 'charity' was called exaggerated at the time by the shame-faced gents who put the affair over. It was widely resented in the entertainment profession. Whenever actors get together they tell stories of similar abuses of their good nature by the Main Street men-about-town. The same breed that thinks no actress is or can be a lady.

Show people are supposed to be fair game for all sorts of sensational distortion in newsheds. They are carelessly slandered in common talk with no factual basis or first-hand information to back it up. Theatres are charged special advertising rates and expected to fork up passes to scores of local 'big shots' (with no thanks) and the whole idea that the local charity promotion has an automatic claim upon the services of showmen and performers for extraordinary cooperation is fairly widespread.

Let the actors stick to their principles. A small percentage deduction from charity entertainments, largely made possible by professional talent, is fully justifiable because (a) it's evidence of good faith (b) it's a cross-check on racketeers, and (c) show biz must take care of its own.

Actors should be 'hard to get' for charity, otherwise promoters and others, worthy or otherwise, will think nothing of the donation; will take it for granted. Local chairmen, publishers, politicians, broadcasters and I-can-fix-it guys will take the bows, and those bows mean prestige (and prestige means money), to a lot of the charity talk can be realistically assayed even while holding every sympathy for the unfortunate and underprivileged.

About the most direct kindness, perhaps, is for entertainers to go to hospitals, jails, sanitariums and so on and give their performances directly for the benefit of the inmates. Such requests ought to have priority over all others in local communities. But, above all, don't let the profession be kicked around, used as a soft touch by persons or groups that have scant appreciation of the favor bestowed and a ready temper when an overworked, sick and harassed performer begs off.

B members of SAG. Several who are concealing their identity recently organized Cinema Players, Inc., and have petitioned National Labor Relations Board for certification as bargaining representative for the extras. They claim SAG tops permitted extra membership to climb to such a figure that none of the players can earn a living from industry.

Hardwicke's Pic Lead

Hollywood, Dec. 27. Sir Cedric Hardwicke gets the role of Dr. David Livingstone in the 20th-Fox big-budget production, "Stanley and Livingstone." British actor recently finished American stage tour in "Shadow and Substance."

LO! GETS FED, METRO GETS SUED FOR \$11,987

Boise, Dec. 27. Federal court jury couldn't agree on who fed 385 Indians on location at McCall, Idaho, last summer for filming of "Northwest Passage." Keith Farley, Idaho hotelman, sued Metro for \$11,987 for redskins' victuals. Metro contended it paid food bill and all Farley did was supervise feeding. A hung jury was dismissed. Metro failed to complete "Northwest Passage" location stuff due to heavy weather of early fall, and will resume next spring.

Roxy Fan Couldn't Get In Under 1 P.M. 25c Admish, Sues, but Loses

Suit brought by the State of New York against the Roxy Theatre, Inc., New York, on complaint of a patron, John S. Zvirin, was dismissed in magistrate's court Dec. 18. Action was filed under Sect. 421 of the State Penal Law on 'untrue and misleading advertisements' over alleged refusal to admit a patron for advertised admission price.

The Roxy, during run of 'Alexander's Ragtime Band' last August, advertised 'Picture and Stage Show, any day, any seat, 25c to 1 p.m. Children always 15c.' Plaintiff, his wife and daughter sought admission to theatre August 21 (a Sunday), arriving in line around the theatre about 12:15 p.m. By the time the line reached the boxoffice, the 1 p.m. deadline for morning admission prices had passed, and Zvirin refused to pay the afternoon price of 50c.

Plaintiff contended there was ample room inside theatre for all patrons who had arrived before 1 p.m. that they should not have been forced to wait in line outside box-offices, and that the purpose of the theatre in doing so probably was intended to force payment of higher admission charge.

Walter R. Corvey, assistant treasurer of the theatre, put in the defense that the boxoffices stopped sale of tickets at 12:15 p.m. because all the 5,850 seats were filled. Plaintiff countered by producing witness who testified this was untrue.

Part of court's decision was based on legal precedent established in case of 'Luxemburg vs. Keith & Proctor', and other cases, to the effect that 'a theatre does not sell merchandise nor render service. It admits or licenses its patrons to view performances but is not required by its character to grant this privilege to all comers and is free to admit only those it chooses to admit, except that it may not make race, creed or color the basis of exclusion or discrimination.'

GOLDWYN IN MEDICAL DISPUTE WITH 'DOCTOR'

Hollywood, Dec. 27. Samuel Goldwyn enters the controversial field of socialized medicine with 'I Am a Doctor,' a picture based on an idea now being fought by the American Medical Assn. Goldwyn writers are slated to sit in on the forthcoming hearings in Washington, at which Dr. Morris Fishbein, head of AMA, and other leading medicals will testify on the trend toward mass medication. Walter Brennan, whose Goldwyn contract was recently renewed, is due for an important part in the picture.

Pascal's 'Disciple' Set For Spring H'wood Start

Hollywood, Dec. 27. 'Devil's Disciple' is the next Bernard Shaw play to be filmed by Gabriel Pascal, producer of 'Pygmalion.' Piece will be shot in Hollywood next spring as part of a two-picture deal with Metro.

Pascal will also produce 'Doctor's Dilemma' for General Films of London, under an agreement he made in England before he signed the Metro pact.

More Spirit for 'Culver'

Hollywood, Dec. 27. 'The Spirit of Culver' moves up into Universal's biggie class, with an increased budget of about \$500,000. Whitney Bolton, scripter, spent several weeks at the Indiana military school getting atmosphere and details.

Milland in 'Geste'

Hollywood, Dec. 27. Ray Milland gets the important role of brother John in support of Gary Cooper in Paramount's remake of 'Beau Geste,' to be directed by William A. Wellman.

Assignment whittles down Milland's vacation in England. Picture rolls Jan. 16.

New Kind of Santa

Hollywood, Dec. 27. Retroactive payoff to studio white collar workers' under provisions of the Wage-Hour law will exceed \$25,000. From 50-250 secretaries and other front office employees will draw from \$20-\$150 each.

All studios will pay off tomorrow (Wednesday) on coin accumulating since the act went into effect Oct. 24. Studios are now working on back coin due craftsmen which will require two weeks and thus further up the ante.

Middlebury, Vt., Exhib Sues Indie Chain Op. And 8 Majors for 100G

Middlebury, Vt., Dec. 27. Eight major picture producing and distributing companies and Samuel Kurson of Bangor, Maine, and Middlebury are named in a \$100,000 damage suit brought by a Middlebury theatre owner in a case which will test the validity of block-booking. Violation of the Sherman anti-trust act is the basis of the action filed in Burlington's U. S. district court by Kenneth M. Gorham, operator of the independent Town Hall theatre in Middlebury. Defendant companies are Paramount, Universal, Columbia, Loew's, Inc., 20th-Fox, Vitaphone, Inc., RKO Radio Pictures and United Artists.

Besides asking for damages, the plaintiff seeks an injunction.

He charges the defendant distributors refusal to deliver an adequate supply of pic at reasonable prices. The defendant Kurson is an official of the Graphic Circuit which operates 16 theatres in Maine, New Hampshire and Vermont, among them the Campus, Middlebury.

By threats and coercion Kurson allegedly sought to induce or compel the plaintiff to discontinue the operation of Town Hall theatre and also sought to secure its lease. Gorham states, and lists these acts as follows:

In May, 1937, Kurson attached a film sent to the plaintiff by Columbia. In July, 1937, he attached a Universal film.

He caused the plaintiff's theatre to be checked for some months and induced checkers to create minor disturbances in the Town Hall to annoy patrons.

In August, 1938, he caused his attorney, who was also the attorney for the town of Middlebury, to interfere with the position of advertising signs of the plaintiff.

The writ contains an explanation of block-booking and its effect upon the independent theatre operator.

The defendant companies, it states, not only produce the great majority of the films produced each year in this country, but also practically the only films having any commercial value. The films manufactured by other producers, known in the trade as the 'independent producers' have been of an inferior quality and have not been generally exhibited at motion picture theatres, the complaint states.

The number of suitable films manufactured by the independent producers is wholly inadequate to supply the seasonal needs of any motion picture theatre, and a regular supply of the films of the major producers is essential for every theatre operator, particularly in Middlebury, according to Gorham.

Further explaining the block-booking arrangements, Gorham says in making contacts with independent exhibitors, it has been customary to require them to license the entire season's product of the distributor before the films are produced, the system known as 'block-booking' or 'blind buying,' and to execute contracts, containing harsh and oppressive conditions, and providing for the 'run,' 'protection' and for the maintenance of minimum admission prices at the theatres of the exhibitors.

Gorham also said that 'zoning and clearance' by which the defendants do not permit showing of first-run

Stromberg Leads Off M-G Quartet with 'Women'

Hollywood, Dec. 27.

'The Women' was put into preparation by Hunt Stromberg as the first of four pictures on his production slate at Metro.

Second on his list is 'Return of the Thin Man,' to be followed early in April by 'Northwest Passage.'

SCHINES OGLE PHILLY ZONE

Philadelphia, Dec. 27.

Schines Bros., operators of about 130 houses in New York, Delaware, Kentucky and Ohio, are aiming to enter the local field here. Willard S. McKay, attorney for the big indie circuit, is understood to have commissioned the real estate firm of Thomas & Groshon to attempt to acquire any possible houses for the Schines, in either the city or suburbs. Several operators are said to have been propositioned, including one owner of a closed house.

Entry of the circuit, with its tremendous buying power, into the Philly territory might change the setup here considerably, especially affecting Warners in control of a majority of houses in the city.

Skouras' Detroit Bid

Detroit, Dec. 27. Hearings will start Thursday (29) on a bondholders' petition for removal of Dave Idzal and Union Guardian Trust Co. as trustees of the reorganized Colwood Co., owners of the Fox theatre here.

According to the petition, the trustees have failed to execute a leasing agreement okayed in June, 1937, by Federal Judge Ernest O'Brien. Plan called for leasing of theatre to Skouras Bros. at minimum rental of \$125,000 yearly plus percentage of gross.

Judge O'Brien referred the petition to Paul H. King and George A. Marston, referees in bankruptcy.

FRANK FAY'S \$2.50 TOP VAUDE AT CORT, N. Y.

Frank Fay will return to Broadway for a straight vaudeville experiment in the Cort about Feb. 1. Fay and some stooges will break in coming act. Shuberts are reported interested in venture which would, if successful, provide vaudeville for unused legit theatres.

Plan is to give seven nightly shows plus a Saturday matinee, the nine acts to change every four weeks. Unit type of division will be staged by Harry Delmar. Top, \$2.50.

Joe Keating has been pencilled in as one of the acts on the first bill.

Four to Go on Derr's Mono Slate Next Year

Hollywood, Dec. 27. With four of his eight Monogram features completed, E. B. Derr starts production on the remaining four, Jan. 3, beginning with 'Star Reporter.'

'Undercover Agent' rolls Jan. 28. 'The Girl From Rio' Feb. 15, and 'Prison Born' early in March.

Robinson, 'Nazi Spy'

Hollywood, Dec. 27. Edward G. Robinson is slated for the top role in 'The Confessions of a Nazi Spy' due to roll at Warners in two weeks.

Director is Anatole Litvak.

PAR'S WATER HOLE

Hollywood, Dec. 27. Construction of Paramount's new \$45,000 water stage got under way today under direction of A. C. Zoulis, chief engineer.

Structure will have a 50-foot clearance, covering the present back lot tank, 114 by 140 feet.

pictures within certain areas and for certain periods after first showing for 'protection,' also works a hard-ship on him.

3 Strong British Pix on B'way

All that remains to transform Broadway's theatrical district this week to a Piccadilly closeup is for the traffic to reverse itself and adopt left-hand passing. Three important British-made films are at the Astor, Globe and Rivoli, and each is off to a smash boxoffice play.

Two of the openings were on Christmas Eve. Charles Laughton in 'The Beachcomber,' made by Erich Pommer and released by Paramount, is at the Rivoli; 'The Lady Vanishes,' a G.B. Gainsborough production, released by 20th-Fox, directed by Alfred Hitchcock, is at the Globe (both of these the newcomers), and Bernard Shaw's 'Pygmalion' (M-G) starring Leslie Howard and Wendy Hiller, at the Astor, in its third week, latter SRO from the start.

New York dailies did handings in reviewing the new Hitchcock attraction, their back-patting ranging from four-star ratings to raves about it being one of the 'best' of the year.

Showmen are watching the three-cornered sales effort by Metro, Paramount and 20th-Fox on their U. S. selling. Pictures are all of about the same calibre, which is excellent, hence the returns will test the comparative selling skill of three of the top American distributing organizations.

An Option Is a Nervous Breakdown In Writing—Lefty's H'wood Findings

By Joe Laurie, Jr.

Coalacres, Cal., Dec. 27.

Dear Joe:

Well, at last we're back home again and glad to see the old faces, of which this town has plenty. The talk here is much easier on the ears than it is in Hollywood, especially if you don't know much arithmetic. We had it a nice trip coming back. You know, it takes you just as long driving out of Hollywood as it does to get in, and many a guy has waited years to do both. When we finally got out of the city limits Aggie sighed and said she felt the past couple of weeks like she was watching double features, shorts, trailers and comedies. To her Hollywood is a big picture screen in a big theatre. Some people get better seats than others, some are in the show with big parts and some are just ushers.

Things were slowing down at some of the studios, which will make a lot of parents go back to work. I'm glad we left before option time came around, as they say that is the saddest season of the year here. You know—an option is a nervous breakdown on paper.

It was getting cooler when we left, although you could wear a palm beach suit comfortably if you had flannel underwear underneath. It was pretty windy, so when I stopped for gas I said to the little stale guy that waited on me, 'There's lots of wind here today, Brother,' and the guy said, 'I don't belong here; I come from away down southwest.' All these guys are Chamber of Commerce mugs at heart.

Got home and found Vic, who I left in charge, in a little trouble. He played the 'Suez' picture and for an exploitation stunt he had some guys dig up the street, and had them dressed like Arabs. It was a great idea and the picture drew plenty, but the profits went back into fixing up the street again. Yesterday I ran a double feature, and they were both so bad they had the audience for coming in.

Well, it all evens up. I looked over my books, and find that I'm getting outta debt gradually—my creditors are dry one by one. Of course, Christmas ain't helping business any. People are spending their dough for presents and, after shopping, they're too tired to go to a picture show. But that's what I like about the show business—a feller has always got an alibi for bad business. A regular business man just sez business is bad, but a showman can tell you why. I am sure business is gonna pick up after the holidays; at least, that's what I told the banker.

We got the outside of the theatre looking swell. We got holly wreaths and small trees all lit up in the lobby, and it looks very Christmasy. Everybody admires the decorations. Aggie sed we should show the pictures in the lobby and put the decorations inside the theatre and we'd do more business. Gonna put on 'Scrooge' on the air for the kiddies Christmas Day. I'm gonna play Scrooge, and I think I do it pretty good because at rehearsals I frightened all the kids. We are gonna have a bunch of the kids from my dancing school sing Christmas carols. I wish you could hear them. They sing swell together, well, pretty near together, but they're all under 10 years of age. Aggie sez that's their only excuse, and calls them 'Im-matures.'

I don't know what to get Aggie for Xmas. Her jewelry is all wearing out. I'm going out tomorrow and look around for something that she don't need. That usually makes the best-looking present. I would like to get her something real good this year because she's worked pretty hard, but I always remember what my old man used to say, 'If you can't have what you want, then just want what you have.' Which ain't bad advice, especially when you ain't got.

Tell the gang back there that Aggie and me toss a holiday nod towards them, sez

Your pal,

Lefty.

P. S.—Bert Kalmar sez, 'If it was as easy to learn things as to forget, then we'd know an awful lot.'

Make Way for O'Briens

Los Angeles, Dec. 27. R. J. Oberinger, head of Warners studio legal department, was questioned by attorneys for Pat O'Brien, freelance actor, who is suing the Warners star at the same name, Louella Parsons and Jimmie Fidler for \$500,000. Defendants are charged with conspiring to prevent the freelance O'Brien from obtain studio work.

Next deposition session is slated for tomorrow (Wednesday) when the defendants are due for questioning.

OUTGROWS SHORTS

Hollywood, Dec. 27. Gordon Hollingshead, producer of patriotic shorts at Warners, was elevated to the rank of feature producer.

First feature length job is 'Hero for a Day,' to be followed by 'Blind Spot.' Meanwhile, Hollingshead will continue producing historical shorts.

WB WANTS 'SYRACUSE' FOR EDDIE ALBERT

Hollywood, Dec. 27. Warners is dickered to buy George Abbott's current Broadway hit, 'The Boys from Syracuse,' by Rodgers and Hart, as the second of a series featuring Eddie Albert. He's under a WB term after he gets through with Abbott's stage commitments.

First will be 'The Poor Nut,' slated to roll as Albert finishes his current stage job in 'Syracuse.'

Desert Ghosts Walk

Hollywood, Dec. 27. Ghost towns of the California desert form the basis of 'American Fable,' a serio-comic picture at RKO, with Robert Sisk producing and Garson Kanin as pilot.

John Twist, scripter, is boiling two stories into one. Originals are by Thames Williamson and Sam Marx.

EXHIBS ROOT FOR SELF-REG

LOOK TO '39 TO CONSUMMATE IT

It's the Most Important Unfinished Business of 1938—Exhibitor Sentiment Hopes for a Fair Trade Practice Program, Without U. S. Interference

LEADERS' LETTERS

Most important unfinished business which hangs over the film industry, as an old year passes out, is final and amicable adoption of a trade practice program.

Exhibitor sentiment which has had an opportunity to crystallize after a study of the first draft of proposals as submitted by the distributors' negotiating committee, unquestionably is hopeful that some form of arbitration will be eventually agreed upon.

On certain points in the drafted proposals there is no difference of opinion among theatre men. Several independent exhib organizations have voted disapproval of the provisions, others have discussed the memorandum in closed sessions and have instructed their representatives to proceed further in the joint conference in the hope that debated issues will be given additional study.

From an abundance of exhibitor opinion which has found its way back to New York through distribution and other channels, there exists a conviction that self-regulation is much desired over prospect of Government interference through Federal and various State legislative enactments.

With a new Congress opening sessions next week in Washington, and with numerous legislatures called for spring or autumn meetings, both distributor and exhibitor leaders who are earnest and sincere in their desires for self-regulation will press for an early reconvening of the negotiating committees.

Leaders of the Allied States organization are unwilling to voice individual opinions as to the probable action by the association's board of directors when the group meets early next month to receive a report from its negotiating committee. Although many Allied members have subscribed to a program of 'reformation by legislation,' there exists within the body an influential group that is hopeful for the ultimate success of an industry plan which will cope in a practical manner with the recurring problems of distribution and exhibition.

One Slant on It

One comment from a prominent and successful exhibitor, who maintains independent operations as well as affiliated partnerships, is an expression of regret that the first drafted proposals did not contain some basis for setting up a continuing body of industry leaders that would function as a fact-finding and recommending committee. Much exhibitor support, he said, could be won to a program, the very nature of which tended to bring within self-regulation some of the points which have been debated, but omitted from the initial draft. He pointed out further that the essence of the film business provides business and commercial backgrounds that shift constantly under pressure of both industry and public opinion.

That much remains to be worked out in detail by the negotiating committees is indicated by the general terms in which the subject of arbitration of disputes is discussed in the first proposal draft. It is recited that, 'The principles and factors involved in the matters to be arbitrated, the rules and regulations to govern submissions, hearings and awards, the methods of selecting arbitrators and other matters in connection with the arbitration proceeding have not been fully discussed.'

Of all intra-industry matters

which are highlighted by the self-regulation movement, none is considered so important as the arbitration machinery. Twice before the industry has operated under forms of arbitration. The first experience ended somewhat ignominiously in Federal courts when the practice was condemned on the ground that arbitration was enforced, contrary to statute. In the other instance, voluntary arbitration was set up under the NRA code of fair practices in the form of clearance and zoning boards and local grievance boards. The Code Authority acted as an appeals body empowered to review local boards. Each board was composed of industry members and one non-industry member, who was characterized as the 'public representative.'

The NRA boards vanished when the Blue Eagle was alayed by the Supreme Court. Since that date, the spring of 1935, there has been no self-regulation machinery in existence.

While the two large national bodies are still to be heard from, Motion Picture Theatre Owners of America and Allied State Assn., the fact that some lesser organizations of a local character have rejected the draft proffered by the distributors is not taken as a bitter pill, because these rejections are assumedly on general principles and express indirectly a desire for further conferences or negotiation.

What the MPTOA and Allied decide is expected to be of more particular importance since these organizations are national as well as powerful and wield influence generally throughout the country. An encouraging note is struck by the acceptance of the first draft in principle, with only minor objections raised by the Motion Picture Theatre Owners of the St. Louis territory headed by Fred Wehrenberg. This is a unit in the MPTOA.

The average exhibitor, it is contended, is desirous of getting some relief the balance of this season, or starting with the 1939-40 product.

(Continued on page 17)

Can't Take It, Huh?

Minneapolis, Dec. 27. Women's organization here threatened injunction against Reno Willk, claiming the picture, 'How to Undress Before Your Husband,' should not be shown publicly at his Time theatre. 'Nobody's business,' they told him.

WB Sensitive To Indies' Sniping, Say Philly Mgrs.

Philadelphia, Dec. 27. Continuing the indie sniping at Warner Bros circuit, which, in the opinion of the local trade, has become highly self-conscious since the filing of the monopoly suits, another exhibit in this territory is reported to have come to favorable terms with them during the past week. Operator is Gene Mori, of the Landis, Vineland, N. J. Faced with the problem of following two WB houses on runs there, he decided to build in Woodbury, N. J., where there is only one WB house. It is operated through the Atlantic Theatres Corp.

Rather than create further opposition for themselves, it is understood Warners has come to an agreement with Mori whereby he'll give up his plan to build in Woodbury in favor of a pooling arrangement between his Vineland house and the two WB theatres there.

Feels 20% Cancellation Will Force Better Pix

By FRED WEHRENBURG
(President MPTOA of St. Louis, Mo., and So. Illinois)

St. Louis, Dec. 24. Your editorial in VARIETY of Dec. 14 is indeed timely and to the point.

The fair trade practice program which the MPTOA has been advocating for the past three years has at last come to light. The committee of distributors and exhibitors is to be complimented on the progress made, a fair compromise was reached.

We know that the 20% cancellation will not guarantee a full market for any company's product, but I am of the opinion that it will compel the producers to make better boxoffice attractions, in the hope that exhibitors will not take advantage of the entire cancellation privilege.

There is need of self-regulation in the business, and I am sure that we all agree that it is better to sit around a table and iron out the differences within the industry rather than go to long-delayed expensive lawsuits.

You are right when you say that blockbooking carries the weak pictures along with the strong, and I think the cause of this evil is the double-feature programs, whereas if we could do away with double features and do away with the dubs that are carried along because of this evil, both distributors and exhibitors would profit thereby and the public as well. We today are getting complaints from women's clubs and parent-teacher associations, condemning the three and four-hour shows.

Some Exhibitor Opinions

Exhib-Lawyer Observes Arbitration Best Way

By ROY L. WALKER
(President, Theatre Owners Protective Ass'n of Texas)

Lampasas, Tex., Dec. 21. I have read with interest what VARIETY had to say in regard to the proposed trade practice program and especially blockbooking.

My experience as a practicing attorney 25 years causes me to view favorably settlement of disputes within the industry by arbitration. In my opinion, lawsuits and Federal interference will get us nowhere.

A book can be written upon the question of blockbooking and why it will or will not benefit the small exhibitor. I am not familiar with the problems of the big-town exhibitor, but do know that it is necessary for the little exhibitor to buy pictures in block in order to protect his playing time. In Texas the average exhibitor in the small town is from 50 to 400 miles from the exchange; uses from four to six pictures a week, and it would be impossible for him to keep his playing time set without a definite commitment on pictures. The 20% cancellation of \$100 or under will be a real benefit to the small-town exhibitor and go a long way toward giving him relief against the purported evils of blockbooking. As to whether it will encourage or discourage better production I am not in position to say, but I do know the small exhibitor has made money in the past in spite of blockbooking, and we have had good pictures and bad pictures. I do not think a system that would place our industry where it is today, one of the largest in our country, can be entirely wrong.

I believe the proposed trade practice program will be a benefit to the exhibitor and is far better than we could secure through the courts or government interference. What we need is a greater confidence between the distributors and exhibitors, and this will be a beginning and I hope bring us all closer together in the industry.

One Indie's Slant On An End to Wrangling

By M. LOEWENSTEIN

Oklahoma City, Dec. 22. Block booking is not the evil its proponents would have you believe. The motion picture industry has grown from a young vigorous childhood into a dawdling age. Its creeks and aches have to have causes—and the many yelps find 'Block Booking' the target. It's time we took inventory—a house divided cannot prosper. Production, distribution and exhibition pictures interlock to the point that only common sense can solve our problems—and only when the circuits, who own production, gain control will all the faults and complaints be capable of a unit solution.

Until then we must remember that it's only the independents (of whom I am one) who are agitating. Let's forget our selfishness, quit trying to regulate by delivering ourselves into the hands of the lawyers, who seek only the fee and will find a new client when our investors are wrecked. Run your own business, use the brains that God gave you. Stop the glib, smooth-tongued salesman and buy the contract your situation justifies at its worth to you. Apply the Golden Rule and, if you're not met half way, do business with the other fellow. That's the answer: If you must have certain product, drive your bargain hard but remember the pictures belong to the other fellow and he didn't start you in this business.

Motion pictures are the only merchandising that the buyers run to the courts about. No other really big project seems to have so much internal trouble. Too much fault-finding has depleted the energy of showmanship and the boxoffices are reflecting the discord.

Hollywood can't make all good pictures. Some are better than others. The men putting money into production deal with a creative art, and make mistakes. Much waste is

(Continued on page 17)

Third of a Century Anniversary Number

OF

VARIETY

Out Next Week January 4

Order From Your Local Newsdealer Now

Pyg Surprises L. A. with Record \$8,000; 'Hardys'-'Carol' \$22,100, 2 Spots, 'Sawyer'-Al Pearce 12G

Los Angeles, Dec. 27. Christmas Day biz, plus that of Monday, was plenty, hardly overcoming week takes of opening days last week.

Biggest surprise of the bunch was the showing of 'Pygmalion' at the Fox Star where it is hanging up a house record of \$8,000. Film opened Sunday when it garnered \$1,200, followed by a wallowing \$1,500 on Monday.

Chinese and State, each showing 'Out West with the Hardys' and 'Christmas Carol' are the town's leaders with a combined \$22,100 in the string.

Estimates for This Week
Chinese (Grauman-F-WC) (2,024; 30-40-55-75) —'West with Hardy's' (M-G) and 'Christmas Carol' (M-G), Okay \$9,600. Last week, 'Goes My Heart' (UA) and 'Up River' (20th), \$6,700, n.s.h.

Downtown (WB) (1,800; 30-40-55-65) —'Dawn Patrol' (WB) and 'Nancy Drew' (WB) (2d week). Indicating \$10,000 after first session hit \$12,000. Fox Star (F-WC) (UA) (900; 40-55) —'Pygmalion' (M-G). Setting a new house record with a mighty \$8,000. Last week, 11 days of 'Citadel' (M-G), okay \$2,700.

Blondie (WB) (2,758; 30-40-55-65) —'Dawn Patrol' (WB) and 'Nancy Drew' (WB) (2d week). Will add \$8,000 to first week's \$11,500. Orpheum (M-G) (1,000; 30-35-40-55) —'Bulldog Drummond' (Par) and 'Annabel' (RKO) plus vaude. After several weeks of straight second run screen fare, this week has 'Drummond' and 'Annabel' showing and will get around \$7,500.

Fantasia (Pan) (2,812; 30-40-55) —'Blondie' (Col) and 'Girls' School' (Col). Helping itself to \$7,000. Last week, 'Little Tough Guys' (U) and 'Spy Ring' (Col), poor \$4,000.

Paramount (Par) (3,595; 30-40-55) —'Tom Sawyer, Detective' (Par) and stage show. 'Al Pearce' heading stage show responsible for good \$12,000. Last week, 'Say French' (Par), poor \$9,000.

RKO (2,872; 30-40-55) —'Blondie' (Col) and 'Girls' School' (Col). Downtown biz fine during Yule week so answer will be \$7,500. Last week, 'Cougboy' (UA) and 'Spy Ring' (Col), \$5,000.

State (Loew-Fox) (2,414; 30-40-55-75) —'West with the Hardys' (M-G) and 'Christmas Carol' (M-G). Popularity of Hardy's seems continues and with 'Christmas Carol' appropriate for holiday throngs will do net \$12,500. Last week, 'Goes Heart' (UA) and 'Up River' (20th), fair \$8,200.

United Artists (F-WC) (2,100; 30-40-55) —'Goes My Heart' (UA) and 'Up River' (20th). Doing okay on moverover for \$2,500. Last week, 'Shining Hour' (M-G) and 'Spring Madness' (M-G), fair \$2,400.

Felshin (F-WC) (1,900; 30-40-55-65) —'Goes My Heart' (UA) and 'Up River' (20th). Nothing special at \$3,000. Last week, 'Shining Hour' (M-G) and 'Spring Madness' (M-G), \$4,300.

'Hour'-Lady' \$7,500, 'Winds' 4G, Montreal

Montreal, Dec. 27. Worst week of year is being followed by upturn, with Capitol lead. Field on \$7,500 for 'Shining Hour'. Loew's has Blackstone and four children's mats that may hit gross to \$8,000 on 'Five of Kind'. Balance also pointing to nice grosses.

Estimates for This Week
Palace (CT) (2,700; 25-45-55) —'Great Waltz' (M-G) (2d week). Hitting \$6,500 after excellent \$8,000 last week.

Capitol (CT) (2,700; 25-45-55) —'Shining Hour' (M-G) and 'Lady Objects' (Col). Showing enough zip to establish itself as town's topper at \$7,500. Last week, 'Goes My Heart' (WB) and 'Devil's Fairy' (WB), poor \$3,500.

Loew's (CT) (2,800; 25-34-40) —'Five of Kind' (20th) plus Blackstone with vaude. Four children's mats and six nights. Looking for \$8,000, good. Last week, 'Girls on Robation' (WB) and vaude, poor \$4,000 on eight days.

Princess (CT) (2,300; 25-34-50) —'Christmas Carol' (M-G) and 'Girls' School' (Col). Pacing for good \$4,500. Last week, 'Arkansas Traveler' (Par) and 'Thanks for Memory' (Par), poor \$2,500.

Orpheum (Ind) (1,100; 25-40-50) —'Trade Winds' (UA) and 'Little Orphan Annie' (RKO). Very attractive \$4,000 in sight. Last week, third session of 'Cowboy and Lady' (UA) flop at \$1,000.

St. Denis (France-Film) (2,300; 20-35) —'Legion of Honor' (France) and 'Tombeau Hindou'. Good enough \$3,500. Last week, 'Nuits de Feu' and 'Tigre de Bengale', down at \$3,000.

Broadway Grosses

Estimated Total Gross
This Week \$410,500
(Based on 12 theatres)

Total Gross Same Week
Last Year \$344,500
(Based on 12 theatres)

'Cowboy' Ropes \$13,000, 'Artists' Nifty 9G, Prov.

Providence, Dec. 27. Seasonal drop at h.o. being partially offset by well balanced bills bringing fresh hope for better biz. Loew's 'Cowboy and Lady' leading week with bright \$13,000. Strand's Artists and Models Abroad' good for \$9,000.

Estimates for This Week
Albee (RKO) (2,200; 25-35-50) —'That Woman Again' (Col) and 'Peck's Bad Man' (RKO). Paced for heartening \$7,000. Last week 'Comet Over Broadway' (WB) and 'Last Express' (U), weak \$4,500.

Carlton (Fay-Loew) (1,400; 25-35-50) —'Goes My Heart' (UA) and 'Smashing Spy Ring' (Col) (2d run). Fair \$3,500. Last week 'Sisters' (WB) and 'Broadway Musketiers' (WB), \$3,000, okay.

Fay's (Indie) (2,000; 25-35-40) —'Freshman Year' (U) and Bowen unit stage. Swinging toward next \$5,000. Last week 'His Exciting Night' (U) and vaude, \$5,800, fair. State (Loew) (3,200; 25-35-50) —'Cowboy and Lady' (UA) and 'Christmas Carol' (M-G). Stepping along to lively \$13,000. Last week 'Goes My Heart' (UA) and 'Smashing Spy Ring' (Col), \$10,000.

Melrose (Fay) (3,000; 25-35-50) —'Brother Rat' (WB) and 'Nancy Drew' (WB). Spurring to nice \$7,000. Last week 'Garden Moon' (WB), brutal \$4,000.

Strand (Indie) (2,200; 25-35-50) —'Artists Models' (Par) and 'In Old Mexico' (Par). First bright spot in weeks looks swell at \$9,000. Last week 'Little Adventures' (Col) and 'Crime Takes Holiday' (Par), poor \$3,000 on five-day run.

LANG FOR 'FURY'

Hollywood, Dec. 27. June Lang plays the femme lead in Hal Roach's forthcoming picture, 'Captain Fury', nee 'Captain Midnight'.

Chief male roles are assigned to Brian Aherne, Victor McLaglen, Joseph Calleia and Paul Lukas.

'School'-Hal Kemp \$13,500, Cincy

Xmas Biz Generally Dull—'Sweethearts' H.O. Good 12G; 'Thanks', Temple, 'Places' N.G.

Cincinnati, Dec. 27. That man with the long, white beard left more eggs than nuggets in stocking of main-line exhibitors. Big and large not showing the increase expected over last week's pre-holiday tumble.

Big pic puller is 'Sweethearts', holding over at the Albee. It is beaucoup strong after a socko first week. Palace has slow going on 'Thanks for Everything'. Keith's 'Smashing Spy Ring' and Capitol's 'Just Around the Corner' are misouts. Grand is doing fair with 'Christmas Carol' on a five-day stretch.

Estimates for This Week
Albee (RKO) (3,300; 35-42) —'Sweethearts' (M-G) (2d wk). Dandy \$12,000 after whammo \$15,000 on first session.

Capitol (RKO) (2,000; 35-42) —'Around Corner' (20th). Fair \$3,500. Last week 'Young \$9,000' (UA) (2d run), six days, sorry \$3,000.

Family (RKO) (1,000; 15-25) —'Ad-

'ANGELS' 27 1/2G, B'KLYN

Santa Generous to B.O.—'Hardys' Dual \$17,000, 'Shanghai'-Vaude 12G

Brooklyn, Dec. 27. Christmas proved a boon to all major downtown houses, Paramount copping top honors on 'Angels with Dirty Faces'. Metropolitan is next with 'Out West with the Hardys' and 'Strange Faces'. Strand satisfactory with 'Shadows Over Shanghai' and vaude.

Estimates for This Week
Albee (3,274; 25-35-50) —'Up River' (20th) and 'Annabel' (RKO). Happy \$16,000 for this pair. Last week 'Around Corner' (20th) and 'White New York Sleeps' (20th) okay \$15,000.

Fox (4,089; 25-50) —'Heart of North' (WB) and 'Cipher Bureau' (GN). Excellent \$16,000. Last week 'Exposed' (U) and 'Flight to Fame' (Col) \$14,000, good.

Met (3,818; 25-50) —'West with Hardys' (M-G) and 'Strange Faces' (U). Fine \$17,000. Last week 'Spring Madness' (M-G) and 'Flirting with Fate' (M-G) mild \$13,000.

Paramount (4,126; 25-35-50) —'Annabel' (RKO) and 'Up River' (20th). Well \$27,500. Last week 'Thanks for Memory' (Par) and 'Comet Over Broadway' (WB), nice \$18,000.

Strand (2,870; 25-50) —'Shadows Over Shanghai' (GN) and vaude. Good \$14,500. Last week, 'Storm Over Bengal' (Rep) and vaude, \$12,000, okay.

'DAWN'-FRENCH' NICE \$16,500, DETROIT

Detroit, Dec. 27. Between-holiday product shows nothing unusual, with activity at box office equally mild. After being brought back for one week, 'Snow White' is sticking for its third stanza at the United Artists.

Estimates for This Week
Adams (Balaban) (1,700; 30-40) —'Man Remember' (RKO) plus 'Breaking the Ice' (RKO). Special appeal in use on fan mail. Last week \$4,400, pace, okay, on the extra holiday prices. Last week, 'Storm' (U) and 'Little Adventures' (Col) tepid \$3,000.

Fox (Indie) (5,000; 30-40-65) —'Thanks for Everything' (20th) plus stage show. Good \$18,000 in sight. Last week, 'Girls School' (Col) with Major Bowes' 'Singing' unit on stage, \$17,000, pretty good.

Michigan (United Detroit) (4,000; 30-40-55) —'Dawn Patrol' (WB) and 'Say French' (Par). Paced for nice \$19,000. Last week 'Goes My Heart' (UA) and 'Storm Over Bengal' (Rep), fair \$11,500.

Palms-Stage (United Detroit) (3,000; 30-40-55) —'Heart of North' (WB) and 'Bulldog Drummond' (Par). Set to garner \$7,000, good. Last week, 'Crooked Mile' (Par) and 'Come On, Rangers' (Rep), \$5,800.

Palms-Stage (United Detroit) (2,000; 30-40-65) —'Snow White' (RKO) (3d week) (reissue). Brought back here for one week only, fan-tasy film stick for its third stanza to okay \$5,000, following weeks of \$10,000 and \$5,700.

Philly Socko; 'Sweethearts' \$22,000, 'Dawn' 21G, 'Swing'-Ritzes \$29,000

Key City Grosses

Estimated Total Gross
This Week \$1,663,000
(Based on 25 cities, 169 theatres, chiefly first runs, including N. Y.)

Total Gross Same Week
Last Year \$1,537,900
(Based on 18 cities, 134 theatres)

'Heart'-Lola Lane \$6,100 as Indpls. Competish Ups

Indianapolis, Dec. 27. Reopening of Indiana and Circle, after temporary shutdowns, is bringing about a split-up in the business among the first runs with no one house getting much of an edge on any other. Grosses generally are just fair.

Estimates for This Week
Apollo (Katz-Dolle) (1,100; 25-30-40) —'Slave Ship' (20th). Revived in effort to capitalize on Mickey Rooney's presence in cast, but take is only very poor. Last week 'French' (Par) and 'Crooked Mile' (Par), \$2,800, n.s.h.

Cirele (Katz-Dolle) (2,600; 25-30-40) —'Dawn Patrol' (WB) and 'Next Time Marry' (RKO). House has been closed three weeks for installation of new seats. Starting off again nicely with \$6,100.

Indiana (Katz-Dolle) (3,100; 25-30-40) —'Kentucky' (20th) and 'Down on Farm' (20th). Getting along moderately well at \$5,800. Last week house was closed to repair damage done to ceiling by recent fire.

Loew's (Loew's) (2,400; 25-30-40) —'Dr. Kildare' (M-G) and 'Christmas Carol' (M-G). Nothing extra at \$5,000. Last week, 'Drums' (UA) and 'Spy Ring' (Col), also mild at \$4,400.

Lyrie (Olson) (1,900; 25-30-40) —'Heart of North' (WB) and vaude. Lola Lane headlining the stage bill given credit for fairish \$5,500. Last week, 'Up River' (20th) and Bob Crosby band on stage did \$11,600, good and the orchestra's pull despite pre-Xmas obstacles.

'SWEETHEARTS' FINE \$4,700 IN LINCOLN

Lincoln, Dec. 27. 'Sweethearts', starting before Xmas when play was small, is holding on for a total of 10 days at the Stuart, to out-fancy the town in money taking variety repertory. 22-day run on 'You Can't Take It With You' a record event for this time of the year here. Total gross approached \$10,500, plenty fine.

House closings are concentrating the biz. Liberty, now under Nebraska Theatres, Inc., banner, will run a couple of weeks before shuttering for interior trimming.

Estimates for This Week
Colonial (NTI-Noble-Monroe) (750; 10-15) —'Life Returns' (Indie) and 'Early Arizona' (Col) split with 'Higgins Family' (Rep) and 'Under Western Stars' (Rep). Fair \$900. Last week, 'Wanted' (Indie) (Mono) and 'Adventure in Sahara' (Col) split with 'Gang Busters' (Mono) and 'Law of the Texas' (Col) \$800.

Lincoln (LTC-Cooper) (1,800; 10-25-35) —'Christmas Carol' (M-G) and 'Thanks for Everything' (20th). So-so \$2,800. Last week 'Up River' (20th) and 'Sisters' (WB), \$2,300.

Stuart (LTC-Cooper) (1,900; 10-25-40) —'Sweethearts' (M-G). Good \$4,700 on 10 days. Last week, 'Citadel' (M-G), \$2,500.

Varsity (NTI-Noble) (1,100; 10-25-35) —'Heart of the North' (WB). Looks to \$2,600, good. Last week, window of 25-day stand for 'Can't Take It' (Col). \$900. Last week, worth \$10,500, good enough in the best season, excellent for pre-Xmas running.

'Sweethearts' \$6,000, 'Hardys' 4G, Okla. City

Oklahoma City, Dec. 27. 'Out West with Hardys' opened to new 25-35-40 price scale at Tower, which formerly sported a 35c. top. 'Sweethearts' is hitting a big time \$6,000 at the Criterion. 'Kentucky' is in the blue grass with \$4,800 at

Philadelphia, Dec. 27. With a generous supply of powerful product and the Monday holiday as motive power, Philly snapped niftily out of the pre-Xmas week morass this sech. Aggregate gross for the town will undoubtedly hit top for the year. Saturday, naturally, was badly off and Sunday was slow, but Monday zoomed high, with the Earle one registering almost a \$7,500 day.

Hottest thing on the straight pic slate is 'Sweethearts', at the Boyd, whipping to a nifty \$22,000. Good for at least one more lap, probably two if it holds up. Other sockeroo grosser here is 'Dawn Patrol', at the Stanley, which, to the surprise of circuit, was running at \$12,000. 'Sweethearts' over the weekend, but slowed up on Monday. Lack of femme interest was originally feared, but it's plenty okay at \$21,000, and sure of a h.o. for New Year's trade.

Tops on coin is being rung up by the Earle with the Ritz Brothers pairing and 'Swing, Sister, Swing', on the second, expected to do better than \$29,000 for six days, more than \$31,000 for seven, which includes Sunday at the Stanley, Camden, Fox, with 'Thanks for Everything' and 'Ferdinand' (20th). 'Ferdinand', dualled at the tiny 350-seat Studio theatre, still hitting a phenomenal pace and is set to enter its sixth stanza on Thursday. Originally in as an expansion, it was slowed down to close last week, but took another week that made the additional h.o. profitable.

Estimates for This Week
Aldine (WB) (1,303; 42-57-68-75) —'Trade Winds' (UA) (2d wk). Town's only, a good, but not a record, this week, but will be two extra days so that 'Duke of West Point' gets a New Year's eve opening on Saturday. Showing \$11,500 for the nine at all right, after \$13,400 in the opening stanza.

Boyd (WB) (2,350; 37-57-68-75) —'Sweethearts' (M-G). Sailing along mightily at \$22,000, giving it a certain second place and possibly a third. Last week, 'Comet Over Broadway' (WB) \$6,100.

Earle (WB) (2,758; 25-37-42-57-68) —'Swing, Sister' (U) and Ritz Brothers pair. Powerfully big figure being rung up here, with \$29,000 indicated. Last week, 'Hard to Get' (WB) and Benny Davis revue tallied the lowest figure for well over a year, but, at all right, and extremely low and house came out well in the long run.

Fox (WB) (2,423; 37-57-68-75) —'Thanks for Everything' (20th) and 'Ferdinand' (RKO). Good, but nothing special at \$18,500. Ferdinand has the unusual distinction of being held over, first time for a short. Last week, with 'Christmas Carol' (M-G) and 'Up River' (20th), good, consistent, 'Kentucky' on Friday \$300.

Karlton (WB) (1,066; 37-42-57-68) —'Christmas Carol' (M-G) (2d run). Strong \$5,400. Last week, 'Cowboy and Lady' (M-G) (2d run) good at \$3,500, especially in line of three-week run at the Aldine.

Keith's (WB) (1,870; 37-42-57-68) —'West with Hardys' (M-G) (2d run), fair at \$5,000, following double stanza at the Stanley. Last week, 'Angels' (WB) (2d run) very strong \$7,000 after three-week stand at the Fox previously.

Stanley (WB) (2,916; 37-57-68-75) —'Dawn Patrol' (WB). Flying pretty high with \$21,000 and good for a second week. Last week, 'Heart of North' (WB) \$7,000, bad.

Stanton (WB) (1,457; 26-42-57) —'Spy Ring' (Col). Despite all the rec. publicity and very nice handling by the crix, comparatively weak at \$4,700. Last week, 'Little Tough Guy' (U), \$4,400.

Midwest, 'Down in Arkansas' nifty \$4,400 at the State.

Estimates for This Week
Criterion (Stan) (1,500; 25-35-40) —'Sweethearts' (M-G). Bigtime at \$6,000. Last week 'Service de Luxe' (U) jerked after four days for 'Spring Madness' (Col). Fizzles at \$3,750.

Liberty (Stan) (1,200; 20-25) —'Garden of Moon' (WB) and 'Lawless Valley' (RKO). Seven-day stanza to touch nice \$2,800. Last week, 'Thanks for Memory' (Par) and 'Mysterious Rider' (Par) hit with 'Last Express' (U) and 'Swing Cheer' (U), \$2,300.

Midwest (Stan) (1,500; 25-35-40) —'Kentucky' (20th). Fair \$4,800. Last week 'Hard to Get' (WB) gasped at \$7,700.

State (Noble) (1,100; 20-35-40) —'Down in Arkansas' (Rep) and 'Adventures of Chico' (Indie). Fettered for nice \$3,800. Last week 'Drums' (UA) corralled nifty \$4,000.

Tower (Stan) (1,000; 20-35-40) —'West with Hardys' (M-G). Tops at \$4,000. Last week, 'Christmas Carol' (M-G) staggered at \$2,000.

B&K Reopen S-L with 'Confessions,' Vaude \$15,000; 'Artists'-Vaude 27G, 'Nurse'-Flesh \$18,000, 'Winds' \$12,000

Chicago, Dec. 27. Loop returns to full strength currently with the State-Lake marquee and stage lights once more, this time under the direction of Balaban & Katz. House is on a vaudeville policy at 40c top and is in direct competition with the Oriental at the same price.

Operation of these two houses has been reversed. B&K, formerly operated Oriental and Jones, Lingos & Schneider, the latter of which now have Oriental and B&K. is trying its hand on the State-Lake for the first time in the history of the house. Circuit spent around \$75,000 on the inaugural Helen Morgan and Dick Folan headlining.

Oriental is bucking it with a strong stage bill also, relying on a new Major Bowes unit, a new coin with the amateur swingers. Palace is up against it again this week.

'Artists and Models' at the Chicago is getting poor word-of-mouth, but seems suitable for the holiday season and figures for a profit for the house. For Christmas week B&K revived 'White' and showed it into the Apollo where the kids mean money.

For the straight picture house, the top is the Roosevelt where 'Trade Winds' is giving every indication of developing into a boxoffice beauty.

Estimates for This Week
Apollo (B&K) (1,200; 35-55-65-75) 'Snow White' (RKO). Brought back on Saturday (24) and is going to make money at \$7,000. Last week, 'Angels' (WB) (2d wk) held to okay \$3,600 considering the \$2,000 holiday and length of stay.

Chicago (B&K) (4,000; 35-55-75) 'Artists and Models' (Par) and stage show. Picture is getting the raps, but anything goes for the week and therefore is headed for \$27,000, good stuff. Last week, 'The Heart' (UA) with a forced holdover dipped into the carmine for second week at \$17,200.

Hamrick (B&K) (900; 35-55-65-76) 'Say French' (Par) and 'Gangster's Boy' (Monro). Not too hot and even with holiday season doesn't appear to rate better than \$5,500, fair. Last week, 'Kildare' (M-G) managed \$3,000.

Oriental (Jones) (1,200; 25-35-40) 'Secrets of Nurse' (U) and Major Bowes' 'Swing' (24) on stage, still under the policy for this house. Last week, 'Annabel' (RKO) was in the cellar with pitiful \$10,100.

Roosevelt (B&K) (1,500; 35-55-65-75) 'Trade Winds' (UA). Headed to \$12,000 on account of pre-holiday slice of the session, but should build up a strong second stanza. Last week, 'Stables' (WB) wound up three weeks to finish \$7,800.

State-Lake (B&K) (2,700; 25-35-40) 'Campus Confessions' (Par) and vaude. Got away from Saturday (24) under new auspices and looks for strong \$15,000 for initial session.

United Artists (B&K-UA) (1,700; 35-55-75) 'The Heart' (UA) (2d wk). To \$10,000 currently, after taking okay \$12,600 last week.

'Dawn' and 'Artists,' Each \$13,000, Racing For Cleve. Leadership

Cleveland, Dec. 27. Heaviest grosses is 'Artists and Models' at State, racing against Hipp's 'Dawn Patrol' for \$13,000. 'Dawn Patrol' last week, sailing through RKO Palace for slow \$11,000, it's more cheerful than last stanza's ker-plunk grosses.

Estimates for This Week
Alhambra (Printz) (1,200; 10-20-35) 'Gangster's Boy' (Mono) and 'Strut' (Fasc). UA. Headed for good \$1,500 for four days. Last week, 'Storm Over Bengal' (Rep) and 'Secrets of Nurse' (U) \$800 in same stay.

Allen (RKO) (3,000; 30-35-42-55) 'The Guy' (WB). Too much 'Dead End' stuff, followed by 'Fair' \$3,000. Last week, 'Angels' (WB) on fourth h.o., \$2,500.

Hipp (Warner) (3,700; 30-35-42-55) 'Dawn Patrol' (WB). Up this spot's street at \$13,000. Last week, 'Down North' (WB) an iceberg, \$7,000.

Palace (RKO) (3,200; 30-35-42-55) 'Drums' (UA) and Ann Miller shar-

ing vaude with Eddie Garr. Nice family combo, but can't get going, \$11,000, just okay. Last week, 'Spring Madness' (M-G) and Count Bernini Vici curled up around the edges, \$9,000.

State (Loew's) (3,450; 30-35-42-55) 'Artists and Models' (Par). Lots of razzle-dazzle ballhoo for a good send-off and \$13,000. Last week, 'Go My Heart' (UA), \$11,000.

Stillman (Loew's) (1,972; 30-35-42-55) 'Dr. Kildare' (WB). At \$5,000, fine. Last week 'Christmas Carol' (M-G) \$3,500, mild.

'Hardy' H.O. 7G, Best in Seattle; 'Heart' OK \$5,300

Seattle, Dec. 27. Main body past week went to the state-owned liquor stores and the gift stores, but theatres have been making a strong enough bid for the dollar. Christmas day biz slow, but Monday okay.

Estimates for This Week
Blue Moon (Hamrick-Evergreen) (850; 32-37-42) 'Flirting with Fate' (M-G) and 'Up River' (20th). Cheery \$3,000 indicated. Last week, 'Angels' (WB) and 'Meet Girls' (20th). Okay \$2,200.

Coliseum (Hamrick-Evergreen) (1,100; 21-32) 'Hot to Handle' (M-G) and 'Moto' (20th). Rolled up a big \$3,800 in eight days. Last week, 'Straight Place' (20th) and 'Five of Kind' (20th) slow \$1,800, six days.

Colofant (Sterling) (800; 10-21) 'The Guy' (WB). Last week, 'Speed to Burn' (20th), dual, split with 'Born to West' (Par) and Tracy, Missing Witness' (Rep), dual, good enough \$4,000. Last week, 'Highway Patrol' (Col) and County Chairman' (20th), dual, split with 'One Wild Night' (20th), 'Dick Tracy Returns' (Rep), dual, \$1,700.

Fifth Avenue (Hamrick-Evergreen) (2,349; 32-37-42) 'West With Hardys' (M-G) and 'Christmas Carol' (M-G) (2d wk). Holding up to good \$7,000. Goodwill ticket selling helping this house plenty. Last week, same films, \$7,200, great.

Liberty (J-VH) (1,800; 21-32-42) 'Go My Heart' (UA) and 'Crime Takes Holiday' (Col). Okay with \$3,300. Last week, 'Gis School' (Col) and 'Flight to Fame' (Col) slow \$3,100.

Music Box (Hamrick-Evergreen) (850; 32-37-42) 'Cowboy and Lady' (UA) and 'Torchy Man' (WB). Moved from Paramount for a third week here, and riding steadily to okay \$2,600. Last week, 'Hard to Get' (WB) and 'Dr. Kildare' (M-G), six days \$1,500, mild, on move-over from Fifth Ave.

Orpheum (Hamrick-Evergreen) (2,600; 32-37-42) 'Heart of North' (WB) and 'Pecks Bad Boy' (RKO). On eight days, last week \$5,500, good. Last week, 'Youth Fling' (U) and 'Storm' (U) \$3,700, poor.

Palomar (Sterling) (1,350; 16-27-37-42) 'Sons of Legion' (Par) and 'Toy Town Jambores' on stage five days, plus 'Annabel' (RKO) with augmented vaude plus 'Jambores' two days, good \$4,500. Last week, 'Jury' (WB) and 'Accidents Will Happen' (WB) plus vaude, fair \$3,200.

Paramount (Hamrick-Evergreen) (3,139; 32-37-42) 'Artists and Models' and 'Down on Farm' (20th). Good \$5,000. Last week, 'Cowboy and Lady' (UA) and 'Torchy Man' (WB) (2d wk), fair \$4,300.

Roosevelt (Sterling) (800; 21-32) 'Room Service' (20th) 'Campus Confessions' (Par) (2d wk). Last week, 'Gangster Boy' (Mono) and 'Higgins Family' (Rep), slow \$1,000, four days.

'Cowboy'-Vaude 12G, Santa N.S.H. in Balto

Baltimore, Dec. 27. Rather disappointing holiday weekend. 'Cowboy and Lady' at Loew's Century, setting the town's pace with Christmas Carol, coupled to Benny Day stage show at Hipp, edging into second place. Rest rather tepid.

Estimates for This Week
Cedars (Loew's) (2,000; 15-25-35-40-55) 'Cowboy and Lady' (UA) and stage show headed by Ken Whitmer in h.o. as m.c. Leading

First Runs on Broadway

(Subject to Change)

(Week of Dec. 29)

Astor—'Pygmalion' (M-G) (5th wk).
Capitol—'Sweethearts' (M-G) (2d wk).
Criterion—'Ride a Crooked Mile' (Par).

(Reviewed in VARIETY, Dec. 7)
Globe—'The Lady Vanishes' (20th) (2d wk).
Music Hall—'Topper Takes a Trip' (UA).

Paramount—'Artists and Models Abroad' (Par) (2d wk).
Rox—'Kentucky' (20th) (2d wk).
Strand—'Dawn Patrol' (WB) (2d wk).

Week of Jan. 5

Astor—'Pygmalion' (M-G) (5th wk).
Capitol—'Marie Antoinette' (M-G).
Paramount—'Artists and Models Abroad' (Par) (3d wk).
Strand—'Going Places' (WB) (6).

town with \$12,000. Last week, 'Drums' (UA) mild \$7,300.
Hippodrome (Rappaport) (2,205; 15-25-35-40-55-66) 'Christmas Carol' (M-G) and Benny Davis stage unit. Hitting steady but unexciting pace to \$11,000. Last week, 'Blonde' (Col) got a world of support from local talent 'Baltimore Follies' to whack out a wholesome \$12,800.

Keith's (Schanberg) (2,460; 15-25-35-40-55) 'The Guy' (WB). Not too forte at \$4,500. Last week, 'Storm' (U) dropped with \$3,300.

New (Mechanic) (1,558; 15-25-35-40-55) 'Kentucky' (20th). Opens today (Tuesday) after mild treatment for 'Thanks for Everything' (20th) at \$3,600.

Stanley (WB) (3,250; 15-25-35-40-55) 'Going Places' (WB). Not going very far with \$5,500. Last week, second of 'Sisters' (WB) fair \$4,600 after nice opener to \$11,200.

'Hardys'-Kildare' \$39,000, 2 Spots, Pace Hub Peppily

Boston, Dec. 27.

'Out West with the Hardys,' at the two Loew houses, and 'There Goes My Heart,' at the Keith Memorial, are taking top this week. 'Artists and Models,' at the Metropolitan, is disappointing.

Keith Boston reopened vaude, with dual six Sunday (26), and the Kenmore, a brand new Back Bay house, made its debut on Saturday (26).

Estimates for This Week
Boston (RKO) (3,200; 20-30-40) 'Crime Holiday' (Col) and 'Little Adventures' (Col) plus vaude, topped by Lillian Carmen. Opened Sunday (26) for five days, marking return of vaude to this house after absence of seven months. Aiming toward good \$10,000. Last week 'Tough Guys' (U) and 'Holds Co-Ed' (20th) (2d run), n.s., \$2,800.

Fenway (M&P) (1,332; 25-35-40-55) 'Sub Patrol' (20th) and 'Thanks for Memory' (Par). Fair \$7,000. Last week 'Angels' (WB) and 'Down on Farm' (20th) (2d run), \$6,000.

Keith Memorial (RKO) (2,907; 25-35-40-55) 'Go My Heart' (UA) and 'Always Trouble' (20th). Headed to night \$22,500, nine days. Last week 'Secrets of Nurse' (U) and 'Singing Service' (20th) \$9,300.

Metropolitan (M&P) (4,367; 25-35-40-55) 'Artists and Models' (Par) and 'Tom Sawyer' (Par). On the weak side at \$13,000. Last week 'Say Goodbye to Mr. and Mrs. Crooked Mile' (Par), \$10,000.

Orpheum (Loew) (2,900; 25-35-40-55) 'West with Hardys' (M-G) and 'Dr. Kildare' (M-G). Smash \$22,000 in sight. Last week, 'Great Waltz' (M-G) and 'Christmas Carol' (M-G) okay \$15,500, nine days.

Paramount (M&P) (1,797; 25-35-40-55) 'Sub Patrol' (20th) and 'Thanks for Memory' (Par) (2d run). Satisfactory \$9,000 pace. Last week, 'Angels' (WB) and 'Down on Farm' (20th), \$7,800.

Scollay (M&P) (2,538; 25-35-40-55) 'Angels' (WB) and 'Down on Farm' (20th) (2d run). Fair \$5,500. Last week, 'Heart of North' (WB) and 'Around Corner' (20th) (2d run), \$4,800.

State (Loew) (3,600; 25-35-40-55) 'West with Hardys' (M-G) and 'Dr. Kildare' (M-G). Cap at \$17,000 indicated. Last week 'Great Waltz' (M-G) and 'Christmas Carol' (M-G) adequate \$11,000.

B'way Strong; 'Xmas Carol' Smash \$110,000, 'Dawn Patrol'-Abe Lyman \$52,000, Laughton 40G, 'Ky' 55G

The goose hangs high on Broadway as this year's Christmas business comes through in big bundles for the street. Most amazing development is the terrific pace received yesterday (Tues.), with grosses on day headed for very smart total. Based on the amount of business coming to the theatres yesterday (Tues.) on top of the three-holiday weekend, managers are led to the conclusion that today (Wed.) and rest of the week will also go away over earlier expectations. Many of the Broadway houses were forced to stop selling tickets before 11 a. m. yesterday. The Electric Hotel was filled early as 10:15 a. m., the Strand at 10 a. m.

The street was generally slow both Thursday and Friday (22-23) as Christmas shoppers reached its height. While Saturday (24) was thinner than expected and Christmas day itself (Sunday) was not quite as big as looked for, though good, on Monday (26) the play was unusually heavy, in spite of rain at night. On the week the total of the 12 leading houses was \$180,000, or about \$66,000 over Xmas week last year for the same 12 operations.

Influx of out-of-towners, coupled with the fact children are out of school and Tuesday (23) is accounting for much of the business. Managers are looking to much bigger matinees during the coming week than they have had in a long time.

New pictures were brought in for Christmas everywhere excepting at the Astor, where the redoubtable 'Police' production will appear. Regardless of pre-Christmas shopping, this picture got \$14,800 last week and currently over the holiday should be about \$18,000.

A Christmas Carol at the Music Hall, coupled with a two-part stage production that had been held over from the prior week, is going great and yesterday (Tues.) ended at around \$110,000, immense. Because the stage show, which was held over, and the feature are both distinctly Christmas-like in flavor, house is bringing in something fresh for New Year's by opening 'Topper Takes a Trip' and new presentation outlay tomorrow (Thurs.).

The Paramount tees off on a second week today (Wed.) with 'Artists and Models,' plus Glen Gray's Casa Loma band, after scoring a fine \$50,000 of the first seven days over the holiday. Other stage show houses that are clicking strongly are the Strand and RKO. The latter, with \$22,000 with 'Dawn Patrol' and the Abe Lyman band, while the Roxy, with 'Kentucky' is pulling for \$55,000.

'Kentucky' opened this Friday (23) and suffered with other houses Saturday (24), but is now hitting a tremendous stride. Strand had a better opening yesterday (23) and Monday (25) played to one of the biggest (26) in its history, with yesterday (Tues.) also powerful. This is the first theatre engagement in New York for the first week looking good, and he's drawing stoutly. A \$52,000 week will be the highest here since stage shows were installed late last summer.

Of the straight film houses, the Rivoli is away out front with 'Beachcomber,' which reopened the theatre Christmas eve, looking like it will hit \$40,000, smash the first week with the Charles Laughton British-made. At the nearby Capitol, a much larger house, 'Sweethearts' started out thinly Thursday (22) and is not likely to top about \$32,000, though quite satisfactory.

The Lady Vanishes, which drew fine notices, is taking the smash Globe to a rollicking \$10,000, and if will be held over. This picture, 'Beachcomber' and 'Pygmalion' are all British-made, giving the tight little real b.o. prominence on Broadway this week. Finishing a week at the Rialto yesterday (Tues.) at \$7,500, 'Dawn Patrol' is being retained another day or two, with 'Dark House' (U) and 'Black Cat' (U), reissues, to follow. Only luckless holdover is 'The Guy' at the Criterion, where 'Blonde' is simply unable to compete with the rest of the shows. House will close by Saturday (26).

The stage-show 'St. Nick' hit \$5,000. The stage-show 'St. Nick' hit \$5,000. The stage-show 'St. Nick' hit \$5,000.

With 'Dawn Patrol' and Dinty Doyle (columnist), Jane Pickens and others in person, will be around \$26,000 or better, good. 'Dawn Patrol' is in here immediately on top of two weeks at the Capitol, having moved overnight. This kept the two opening days above, considerable.

Estimates for This Week
Astor (1,012; 25-35-55-65) 'Pygmalion' (M-G) (3d wk). Plow-mowing awfully, the Christmas holiday push should give it the gross about \$15,000 this week (3d), which is capacity. Last week (2d), \$14,800.

Capitol (4,000; 25-35-55-65) 'Sweethearts' (M-G). Got off to a rather weak start but is picking up for possible \$32,000, good, good profit, and holds. The second week of 'Out West with Hardys' (M-G) was \$15,000, disappointing.

Criterion (1,662; 25-35-55) 'Blonde' (Col). Present competition too much for this one and lucky if pushing to \$5,500, weak. In ahead 'Fighting Fate' (M-G), topped \$5,000. **Globe** (1,274; 25-40-55) 'Lady Vanishes' (20th). English-made received excellent reviews and is heading for a fine \$10,000. Holds \$5,000. **Adventure in Sahara** (U), \$6,500, pretty good for the week before Christmas.

Palace (1,700; 25-35-55) 'Brother Rat' (WB) (2d wk). 'White New York Sleeps' (20th) (1st run). Brought in a day earlier than usual, this bill finished its seven-day stint last night (Tues.) with good profit. It is replaced today (Wed.) by 'Angels with Dirty Faces' (WB) (2d run) and 'Annabel Takes a Tour' (RKO) (1st run). In ahead 'Hard to Get' (WB) (2d run) and 'Come Over Board' (WB) (1st run), got \$6,000 on six days.

Paramount (3,664; 25-35-55-65-85-95) 'Artists and Models' (2d week). Starts on holdover today (Wed.) after getting \$50,000 on week ending last night (Tues.). Very good, in ahead 'Thanks for Memory' (Par) and the Blue Barron-Shirley Ross combination, on second week of the show, got \$24,000, some profit. **Radio City Music Hall** (5,980; 40-60-84-9-1.65) 'Christmas Carol' (M-G) (1st week) and stage show (2d week). Combination of Yuletide stage production and \$7,000 knock-out for terrific holiday week of \$110,000, but won't be held. House brings in 'Topper Takes a Trip' (UA) and 'Duke of West Point' (UA) drew \$68,000, getting by.

Rialto (750; 25-40-55) 'Heart of North' (WB). Finishing first seven days of the holiday (Tues.) at \$7,500, good, is being retained another day or two. Arthur Mayer sometimes changes on 10 minutes' notice here. **Burlesque** (GN) floundered, only \$5,000.

Rivoli (2,092; 25-55-75-85-90) 'Beachcomber' (Par). Laughton stars in this one and English-made knocked off for distribution in this country by Par, a smart move, reopened this house Saturday night (24) and there's plenty of action at the b.o. with the first week looking \$40,000 big. Holds over. Theatre was closed down two weeks ahead of Christmas. Previously it had been up against it during the week before. Last week picture proves ability of house to do real business if it gets worthy product.

Strand (2,761; 25-55-75) 'Dawn Patrol' (WB) and 'Duke of West Point' (UA). Drawn of Lyman's band, plus that of the feature, although it has no women in the cast and regardless of the fact it is a remake (mentioned by critics) is combining for a terrific sock week here of \$52,000 or better. This will be the highest gross under the policy since instance of \$40,000. Last week, 'Great Waltz' (M-G) (2d run) and nameless vaude bill, only \$15,000, which hurts.

State (3,450; 35-55-75) 'Hardys' (M-G) (2d run) and vaude including Dinty Doyle and Jane Pickens. Picture is getting the raps, still under the policy for this house. Last Wednesday night (21) and opened here next day, getting away lightly, but with pickup over holiday, business should mount to \$26,000 or very good. Last week, 'Great Waltz' (M-G) (2d run) and nameless vaude bill, only \$15,000, which hurts.

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'Dawn'-River' Rolling Up \$22,000, Frisco; 'Artists' Dual OK \$16,000

San Francisco, Dec. 27. Biz generally pretty good on Market Street after several weeks of slow going. Although none of the theatres will have terrific grosses, the Fox is having a profitable time with 'Dawn Patrol' and 'Up the River.' Paramount also has a winner in 'Artists and Models.'

Golden Gate got off to a flying start when Manager George Bole brought up four Hollywood film names for the opening of 'Little Tough Guys in Society.' Other winners on the street are 'Young Mr. Lincoln' at the United Artists and the snappy 'Thanks for Everything' at the Warfield.

Estimates for This Week

Fox (F.W.C.) (5,000; 35-55-75)—'Dawn Patrol' (WB) (20th) 'Up River' (20th). No kicks coming on this grand pair. Looks set for hefty \$22,000. Last week, 'West with Hardy' (M-G) and 'Dr. Kildare' (M-G) (2d week) \$11,500.

Golden Gate (RKO) (2,850; 35-55)—'Little Tough Guys' (RKO) and vaude. This house has been suffering along with the rest of the city. Manager George Bole managed to awaken some interest in this bill by importing Andy Devine, Mischa Auer, Mary Boland and Jack Seal for a p. a. opening day. O'Neill Kiddies revue on stage also getting some biz. Will garner good \$18,000. Last week, 'Annabell' and 'Kicks' (M-G). Things look more encouraging again at \$16,000. Last week (nine days) 'Dramatic School' (M-G) and 'Christmas Carol' (M-G), only fair \$12,000.

Orpheum (F&M) (2,440; 35-55)—'Can't Take It' (Col) (6th week). One of the few pictures which was able to lick the pre-holiday depression. Sixth week, 'West with Hardy' (M-G) and 'Dr. Kildare' (M-G). Things look more encouraging again at \$16,000. Last week (nine days) 'Dramatic School' (M-G) and 'Christmas Carol' (M-G), only fair \$12,000.

St. Francis (F-W.C.) (1,470; 35-55-75)—'West with the Hardys' (M-G) and 'Dr. Kildare' (M-G) (3d week). New Harry picture doing remarkably well here after four good weeks at the big Fox. Riding along at a good \$6,000. Last week, 'Angels' (WB) and 'Listen, Darling' (M-G) (3d week) concluded a good run to the tune of \$5,500.

United Artists (Cohen) (1,200; 35-55-65)—'Young in Heart' (UA). Indications are for strong \$12,000. Last week, 'Cowboy and Lady' (UA) (5th week), folded to fair \$4,000.

Warfield (F-W.C.) (2,680; 35-55-75)—'Thanks for Everything' (20th) and 'Young Devine' (WB). Thrustles at Warfield during past several weeks almost came to a standstill, but things looking up now for \$13,000. Last week, 'Heart of North' (M-G) and 'Firing with Fate' (M-G), \$10,000.

Krupa and Ben Blue Up 'Hard' and N. Y. To 10 and 12½, K.C.

Kansas City, Dec. 27. First run situation is livened with a brace of stage shows and increased activity over the weekend holiday. Ben Blue is making a p. a. at the Newman, which is one of the straight film, but which has recently gone in for flesh attractions. Gene Krupa continues the run of name bands at the Tower.

Week's leadership is a contest between these two houses and the Midland, where 'Cowboy and Lady' is dualled with 'Christmas Carol.' Tower has a 40c top as come-on, while the Newman has a 55c scale in force.

Weather man dished up rain and sleet as a weekend drawback, first in several weeks.

Estimates for This Week

Esquire and Uptown (Fox Midwest) 820, 1,200; 10-25-40)—'Thanks for Everything' (20th). Held over for five-day spell. Short week is sighting for \$10,000, combined, with help of holiday traffic. Last week, match last week's combo of \$3,000 for seven days.

Midland (Loew's) (3,573; 10-25-40)—'Cowboy and Lady' (UA) and 'Christmas Carol' (M-G). Better film fare than past few weeks and showing results. Good at \$14,000. Last week, 'Dramatic School' (M-G) and 'Spy Ring' (Col) took it on the chin at \$6,300.

Newman (Paramount) (1,900; 10-25-35-55)—'Hard to Get' (WB), with Ben Blue heading stage variety bill. Up in admission price and scale to \$10,000, very good. Last week, 'Crooked Mile' (Par) held eight days, but weak at \$4,200.

Orpheum (RKO) (1,500; 10-25-40)—'Heart of North' (WB) and 'Up the River' (20th). Broke in on Saturday (24), day later than usual opening. Seven days will get \$5,000 with the aid of holiday biz. Last week was stretched to eight days and

'KY.' IN CLOVER, \$9,000, L'VILLE

Louisville, Dec. 27. 'Kentucky' at the Rialto, pic with locale in this commonwealth, is currently making the big noise at the b. o., and is in for nine-day stanza. Takings plenty sweet.

Biz is concentrated at the Rialto, Loew's State, and the Mary Anderson. 'Kentucky' (Par) is finding the pickings plenty sparse.

Estimates for This Week
Brown (Loew's-Fourth Avenue) (1,000; 15-30-40)—'Thanks for Everything' (20th) and 'Secrets of Nurse' (U). Moveover of this pair not creating any congestion and indications are for subnormal \$1,200. Last week 'Young Heart' (UA) and 'Firing with Fate' (M-G), limpy \$1,500.

Kentucky (Switow) (900; 15-25)—'Arkansas Traveler' (Par) and 'Straight' (20th). Pulling fair to average biz on low admission, and pacing for mild \$1,500. Last week 'Sisters' (WB) and 'Garden Moon' (WB). Top with 'Dr. Kildare' (M-G) and 'Frankenstein' (U), rounded up fair \$1,600.

Loew's State (Loew's) (3,100; 15-30-40)—'Cowboy and Lady' (UA) and 'Christmas Carol' (M-G). Gary Cooper a money draw, and this house and helped by nice matinee biz on 'Carol.' Holiday biz all that could be expected, and final tally hitting \$2,000. Last week, 'Drums' (UA) and 'Spy Ring' (Col), fair \$2,200.

Mary Anderson (Libson) (1,000; 15-30-40)—'Hard to Get' (WB). Aiming for \$3,800, pretty fair. Last week 'Heart of North' (WB) \$2,900, moderate.

Ohio (Settos) (900; 15)—'Penitentiary' (Col) and 'Tom Sawyer' (UA), dual split with 'Dangerous to Know' (Par) and 'Midsummer Night's Dream' (WB). Getting slight attention at \$800, light. Last week 'Limberlost' (Mono) and 'Awful Truth' (Col), split with 'Beloved Brat' (Col) and 'Death Kiss' (Indie), so-so \$1,000.

Rialto (Fourth Avenue) (3,000; 15-30-40)—'Kentucky' (20th) and 'Down on Farm' (20th). Color pic, which has locale in this state, came

in two days early Wednesday (21), and set for nine-day stanza. Plenty of newspaper space, with Kentucky Colonels invited as guests, etc., all helping to build toward a resonant \$3,000. Last week 'Lucky' (WB) (20th) and 'Secrets of Nurse' (U), \$5,500, and moved to Brown. Strand (Fourth Avenue) (1,400; 15-30-40)—'Up River' (20th) and 'Spirashooters' (20th). The same lines and won't better \$1,500, disappointing. Last week 'Little Tough Guy' (U) and 'Storm Over Bengal' (Rep), sparse \$2,600.

'HARDY'S' GREAT 20G,
BUFF; 'ARTISTS' NG

Buffalo, Dec. 27. 'Out West with the Hardys' rang up a great \$20,000 the holiday stanza. 'Artists and Models' (A-M), however, is in the dumps with a poor \$5,000.

Estimates for This Week
Buffalo (Shea) (3,500; 30-35-55)—'West with Hardy' (M-G). Great \$20,000. Last week, 'Dramatic School' (M-G) better expectations with \$9,300.

Century (Shea) (3,000; 25-35)—'Angels' (WB) and 'Up River' (20th). Looking for good \$10,000 in 10 days. Last week, 'Heart of North' (WB) and 'Torchy Man' (WB), \$6,300, okay.

Great Lakes (Shea) (3,000; 30-50)—'Artists and Models' (Par). Very slow \$5,000 all that can be expected. Last week, 'Crooked Mile' (Par) and 'Firing with Fate' (M-G) in the dumps at \$4,500.

Hipp (Shea) (2,100; 25-40)—'Thanks for Everything' (20th). Poor \$4,500. Last week 'Christmas Carol' (M-G) and 'Peck's Bad Boy' (RKO) so-so \$4,700.

Lafayette (Ind.) (3,300; 25-35)—'Storm' (U) and 'Swing Sister' (U). Good \$9,000 pace. Last week, 'Lady Objects' (G) and 'Reformatory' (Col) fair \$5,000.

'Sweethearts' a Smash
\$7,000 in Portland

Portland, Ore. Dec. 27. 'Sweethearts' at Parker's, U. A. is the smash of the season. It seems set for a big run, but this time around, all previous grosses for many weeks. Also forte is 'Dawn Patrol' at the Paramount.

'Out West with the Hardys' moved into the Mayfair for a third stanza, replacing 'Angels with Dirty Faces,' which closed a good run there.

Estimates for This Week
Broadway (Parker) (2,000; 30-35-40)—'Dr. Kildare' (M-G) and 'Firing with Fate' (M-G). Okay \$4,500. Last week 'Young Heart' (UA) and 'Storm Over Bengal' (Rep) closed a third week for okay \$3,600.

Mayfair (Parker-Evergreen) (1,500; 30-35-40)—'West with Hardy' (M-G) and 'Christmas Carol' (M-G). Third week for the Hardy pic. Good \$3,000. Last week 'Angels' (WB) and 'His Exciting Night' (U) closed an average fourth week \$2,700. First three weeks did around \$12,000.

Orpheum (Hamrick-Evergreen) (1,000; 30-35-40)—'Thanks for Everything' (20th) and 'Peck's Bad Boy' (RKO). Registering nicely for \$5,000. Last week 'Crooked Mile' (Par) and 'Buildup Drummond' (Par) closed for \$4,200.

Paramount (Hamrick-Evergreen) (3,000; 30-35-40)—'Dawn Patrol' (20th), \$3,500, light.

State (Par-Singer) (2,300; 25-35-40)—'West with Hardy' (M-G). This series still gaining momentum and getting into 1½-reel bonanza and getting into \$8,000, okay.

'Gopher de Luxe' (U) (998; 25-35)—'Gopher de Luxe' (U). Ending some box office misery with light \$2,000 indicated. Last week 'Spring Madness' (M-G) \$2,500, good enough.

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Pitt Is Pokey; 'Places'-Vaude 18½G, 'Hardys' \$17,500, 'Everything' NG

Pittsburgh, Dec. 27. Holiday broke badly for biz and looks like one of the poorest Christmas weeks in years. In fact, won't be a lot better than many average sessions. Flock of midnight shows Sunday (25) helped some, but not enough, show importantly, and heavy snow yesterday kept down the usual post-Yule rush considerably.

Stanley has the best of it with 'Going Places' plus show headed by Ken Murray, and finishing strong for respectably \$18,000. 'Thanks for Everything' is getting the bulk of the kid trade and should squeeze out enough to get second week at Warner. Day-afternoon 'Thanks for Everything' at Harris first-runners, Alvin and Harris, a big disappointment and doing poorly at both spots. Seasonal draw and rave notices for 'Christmas Carol' on twin-bill with 'Comet Over Broadway,' no help at all at Warner, which is also pulling up lame.

Estimates for This Week
Alvin (Harris) (1,850; 25-35-50)—'Thanks for Everything' (20th). No question about gross being reduced by picture's playing day-and-date at Senator, few blocks away, but at that not enough to account for weak \$5,500, which is even less than house often does on ordinary weeks. Last week, 'Up River' (20th) and 'Always Trouble' (20th) in the dumps at \$4,000.

Fulton (Shea-Hyde) (1,700; 25-40)—'Newsboy Home' (U). Looking for \$4,500, which isn't bad at all. Last week, 'Monastery' (Indie) no complaints at \$2,500.

Penn (Loew's-UA) (3,300; 25-35-50)—'West with Hardy' (M-G). Sweeping down home stretch briskly for \$17,500, hefty trade, and enough to give it a second week at the Warner. Last week, 'Great Waltz' (M-G) proved the best thing in town at \$13,500.

Senator (Harris) (1,800; 25-35-50)—'Thanks for Everything' (20th). Looks like \$2,500, woefully mild. Last week, 'Personal Story' (U) and 'I Sided Accused' (Rep) at the 40-cent top, and with special dime coupons, too, awful at \$1,400.

Stanley (WB) (3,600; 25-40-60)—'Going Places' (WB) and stage show. Opening up for \$18,000, good enough and best here in some time. Last week, 'Heart of North' (WB) and Gray Gordon-Mike Riley bands pretty close to a new low at \$10,500.

Missus (20th) (2,000; 25-40)—'Christmas Carol' (M-G) and 'Comet Over Broadway' (WB). Won't better \$4,000, pretty sluggish. Last week, 'Firing with Fate' (M-G) and 'Buildup Drummond' (Par) out on a limb at \$2,700.

'CAROL' 10G, 'WINDS' 9G, DENVER FREEZING

Denver, Dec. 27. Zero weather blew in on Monday night and crimped the Yuletide grosses. Biggest coin being rung up at the Orpheum where 'Christmas Carol' is hitting \$10,000. 'Trade Winds' also forte at \$9,000.

Estimates for This Week
Aladdin (Fox) (1,400; 25-40)—'Submarine Patrol' (20th), after a week at the Denver. Fair \$3,000. Last week, 'Angels' (WB) \$3,500, good since film had played the Denver a week.

Broadway (Fox) (1,100; 25-40)—'Dramatic School' (M-G) and 'Law West of Tombstone' (M-G). Ringing up a check for \$3,000. Last week, 'Dramatic School' (M-G) and 'Law West of Tombstone' (M-G) poor \$6,000, but were moved to the Broadway regardless.

Paramount (Fox) (2,200; 25-40)—'Heart of North' (WB) and 'Comet Over Broadway' (WB) \$3,500, good.

Rialto (Fox) (878; 25-40)—'Angels' (WB) and 'Strange Faces' (U). Good at \$2,000. Last week, 'Cowboy and Lady' (UA), after week at each Denver and Aladdin, and 'Strange Faces' (U) \$2,000, good.

Reissue 'Eagle'

Emil Jensen reissues 'The Eagle,' an old Valentino, shortly.

Picture was produced by Joe Schenck's Art Cinema, Vilma Banky the femme lead. Picture has been synchronized since.

Dr. Willard claimed the film was based on his original story, 'Frozen Alive,' rejected by the studio.

Vernon Bonner filed suit for \$20,000 against Warners, claiming he was injured Oct. 15 by a runaway steam roller on the studio ranch.

Plaintiff declares equipment was defective.

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It's a Case of Watchful Waiting Now On the Yank-Italo Distrib Situation

Policy of watchful waiting probably will be followed by the U. S. industry on the Italian situation up to the Dec. 31 deadline. Feeling in film circles is that American major companies have definitely stated their attitude and now it's strictly up to Italy to compromise.

The picture business in New York and Haysians are hopeful the united front will be maintained by all eight majors, while the Italian government is reported waiting equally hopeful for a break in the Yankee ranks. Industry attitude is that Italy's plan to monopolize foreign distribution in Italy is actually forcing American majors to withdraw their distribution in the country.

Insiders feel that Italy would be satisfied if two or three of the four major companies having unexpired contracts with Italian distributors decided to continue in Italy on promise that restrictions would not become effective for six months after Jan. 1, when film monopoly is slated to become operative. Understood this is the bait held out to try to force a break in the united front of the American companies.

Should one or more of the four companies, Universal, Columbia, United Artists and RKO, continue in Italy for six additional months on promise that present percentage deals would go through during this time, it undoubtedly would knock down the firm front now held against Italy. Monopoly plan calls for a flat rental fee to foreign distributors for their product. Present understanding is that if they agree to the six-month concession period, they would be bound by whatever rules and regulations the Italian film monopoly laid down after that period.

Exhibit Pressure

There's some hope in N. Y. that exhibitor pressure in Italy eventually will tell the story because the entire exhibition business there realizes that a dearth of American films will mean a slump in Italian theatres. Which presumably is why the Italian government has sent out feelers to ascertain if the solid front can be cracked. There's hope that a business plan to those companies presently holding pacts with Italian distributors. This monetary plum is built up on the premise that the four companies, which might be talked into remaining in Italy, would share in the revenue formerly split among the eight U. S. distributors. It's understood that conferences among Italo government spokesmen and others have attempted to establish the highly questionable point whether old contracts must be carried out.

Paramount, Warner Bros., Metro and 20th-Fox have notified employees of their intention to shutter in Italy if the government decree confining all distribution goes into effect.

France Sells to Italy

Paris, Dec. 19.
Indications of what the Italians intend doing to overcome what is expected to be a film shortage next year as a result of the withdrawal of the American product from that market came to light with the visit here of Italian film czar, Marquis Giacomo Paulucci de Calabio.

Here on what was purported to be a secret mission, de Calabio came to buy a large number of French films for the monopolistic Enic to fill the breach which will be caused by the absence of Yank pictures. Enic is the Italian government agency controlling distribution. He viewed many French films while here and from reliable sources it was learned de Calabio bought in the neighborhood of 30 French pictures.

Also understood he visited both London and Berlin in search of product but did not meet with much success there. The French producers reportedly submitted conditions laid down by the monopoly on foreign distribution in hopes of getting a strong foothold on that market while the Americans are out.

Another result which is expected to show later from the visit is closer collaboration between producers of the two countries in the exchange of films. More films are expected to be produced in Italy by French companies.

One Way to Do It

Buenos Aires, Dec. 20.

Showing of Leni Riefenstahl's Nazi-made film of the Olympic Games in Germany was locally made possible only because the German Embassy guaranteed purchase of 700 tickets daily at 3 pesos (75c). Picture was shown for a week at the Ideal in spite of the fact that hundreds of requests were made not to show it. Only local dailies that didn't accept advertising for the picture were the anti-Nazi Argentinisches Tageblatt and the two English papers, The Standard and Buenos Aires Herald.

BRITISH BEEFS MAY CRAMP U. S. ACTS

London, Dec. 19.

Drastic changes are expected in English vaudeville early in 1939. Variety Artists' Federation has for months besieged the Ministry of Labor regarding the ban on foreigners and finally met with agents, bookers and Lennox Boyd, Parliamentary secretary to the Ministry of Labor.

VAF maintained foreigners are keeping English acts out of work while the opposition strenuously denied it, claiming foreigners have helped by bringing novel offerings to England and in reviving the vaudeville outlook, which was becoming decadent till these novelties came along. But with all that, insiders assert the VAF carried weight with the Ministry press, and when the decision is given in a few weeks, there will be drastic cutting of importations, some even claiming the slice will be around 50%.

There's also talk of George Black re-introducing the Askwith Arbitration Award Contract, named after Lord Askwith, who was responsible for its inception in 1919. Contract is very complicated, the most stringent clause being that an act booked by any corporation for 20 weeks, at salary of \$200 per week, or over, cannot play the opposition in the West End 16 weeks before the engagement; in the Metropolitan Police District (practically the whole of London), 32 weeks before the date and in provinces 40 weeks before the engagement and two weeks after it.

This gives George Black, head of General Theatres Corp., practically a monopoly of vaudeville everywhere in England, besides Scotland and Wales. The bar extends even further, as it also specifies that no artists under contract are permitted to appear in pictures or cabaret during the same period.

'Lambeth Walk' Snipped By U to Avoid a Suit

Threatened suit against Universal by Pinewood Studios of London over 'U's' picture, 'Little Tough Guys in Society,' was averted yesterday (27) when Universal agreed to eliminate from all prints the 'Lambeth Walk' sequence.

Screen rights to the words and music of 'Lambeth Walk' are owned by Pinebrook, Ltd., now producing a feature of that name, for Metro release based on the London legit hit, 'Me and My Girl.'

'CHI' BIG IN TEL AVIV

Tel Aviv, Dec. 19.

'In Old Chicago' (20th) is packing them in for a second run in Tel Aviv, after having made the rounds of practically all first-run houses in the country.

'Happened One Night' (Col) has turned for a run in Haifa, while 'Black Fury' (WB) and 'Yank at Oxford' (M-G) are still running strong.

REVIVALS UP IN SYDNEY; U. S. FILMS PACE AUSSIE

Sydney, Dec. 7.

Never before in Sydney have so many revivals been spotted into active theatres. The much-revived 'Naughty Marietta' (M-G) is in for another try, at Greater Union's Lyceum, and 'Girl of Golden West' (M-G) has also been revived by same unit. Its 'Monte Cristo' (UA) is playing at the Embassy, a first-release house. 'A Star Is Born' (UA), 'Love on the Run' (M-G), 'After Thin Man' (M-G) and 'Chained' (M-G) also revived. Biggest flop revival try was 'Peg O' My Heart' (M-G).

Revivals have been up in the nabe, and stix, too. Best success on revival scored by Cinesound's 'On Our Selection.' Some talk now of spotting this unit's oldtimer, 'The Silence of Dean Maitland,' into a city house in the new year.

Terrific heat making it tough, on the whole, for all product. What biz is being gotten, however, comes from U. S. stuff.

'My Lucky Star' (20th), opened Nov. 25, and looked okay for three weeks. 'Hard to Get' (WB) opened Nov. 18, and did just fair over two weeks. 'Spawn of North' (Par) looked good for three weeks, with stage presentation a help when it premiered here. 'Swiss Miss' (M-G) got away to a nice start. 'Having Wonderful Time' (RKO) also doing well. 'Hot to Handle' (M-G) is going over well. 'Gale-Lily' (M-G), 'Alexander' (20th), after four weeks at Hoyts' Regent, was transferred to same unit's Century, with big swell. 'Boy From Barnard's' (M-G) doing fair. 'Smashing the Rackets' (RKO) and 'Paid to Dance' (Col) also on top here.

'Snow White' Tops

Melbourne, Dec. 7.
U. S. product responsible for whatever trade there is 'Snow White' (RKO), which opened Oct. 7, is still tops. 'Alexander' (20th) setting nice pace. 'Three Blind Mice' (20th), plus stage show, also okay. 'Blockade' (UA) so-so. 'Three Comrades' (M-G) took nice trade. 'Hold That Kiss' (M-G) only fair. 'There's Always a Woman' (Col) has possibilities.

Trade Up in Auckland

Auckland, N. Z., Dec. 7.
Trade is high in Auckland, Wellington, Christchurch and Dunedin with U. S. pictures. Current lineup includes 'Spawn of North' (Par), 'Alexander' (20th), 'Algiers' (UA), 'Carefree' (RKO), 'Girl of Golden West' (M-G), 'Great Garrick' (WB), 'Breaking Ice' (RKO), 'Snow White' (RKO) and 'Just Claimed' (U). Best British biz gotten with 'Drums' (UA) and 'Dad and Dave.'

Current London Plays

(With Dates When Opened)

'French Without Tears,' Criterion—Nov. 6, '38.
'Robert's Wife,' Globe—Nov. 23, '37.
'Me and My Girl,' Victoria Palace—Dec. 16, '37.
'Nine Sharp,' Little—Jan. 26, '38.
'Banana Ridge,' Strand—April 27, '38.
'Glorious Morning,' Whitehall—May 21, '38.
'Spring Meeting,' Ambassador—May 31, '38.
'Lot's Wife,' Savoy—June 10.
'The Fleet's Lit Up,' Hippodrome—Aug. 17.
'George and Margaret,' Piccadilly—Aug. 30.
'Running Riot,' Gaity—Aug. 31.
'Flashing Stream,' Lyric—Sept. 1.
'Room for Two,' Comedy—Sept. 6.
'Dear Octopus,' Queens—Sept. 14.
'The Corn Is Green,' Duchess—Sept. 20.
'Goodbye, Mr. Chips,' Shaftesbury—Sept. 23.
'Elephant in Arcady,' Kingsway—Oct. 5.
'Bobby Get Your Gun,' Adelphi—Oct. 7.
'When We Are Married,' St. Martin's—Oct. 11.
'Quiet Wedding,' Wynham's—Oct. 14.
'Goodness, How Sad,' Vaudeville—Oct. 14.
'Idiot's Delight,' His Majesty's—Oct. 14.
'Elizabeth of Austria,' Garrick—Nov. 17.
'Traitor's Gate,' Duke of York—Nov. 17.
'Geneva,' Saville—Nov. 22.
'Under Your Hat,' Palace—Nov. 24.
'Story of African Farm,' New—Nov. 24.
'Windfall,' Apollo—Dec. 15.
'Under Suspicion,' Playhouse—Dec. 20.
'No. 6,' Aldwych—Dec. 21.

Abnormal Bull Market for Foreign Films in America Not Panning Out Well; More Theatres but Lesser B.O.

Gate Theatre Revue, London, Fares Poorly

London, Dec. 27.

Though nicely received, annual revue at the Gate, which premiered Dec. 20, is amateurish. Has some clever bits though fundamentally not commercial. Robert MacDermott and Diana Morgan wrote book and Geoffrey Wright handled music.

'Under Suspicion,' an outmoded thriller, bowed at the Playhouse Dec. 20. Definitely unlikely. Another melodrama, 'The Girl in the Red Velvet Shoes,' which premiered the following night (21) at the Aldwych, fared much better.

N. SO. WALES TO ADD NEW TAX ON YANKS

Sydney, Dec. 7.

With American picture companies refusing to enter the production field in New South Wales it is now regarded certain that the government will add a new tax on all U. S. footage in order to subsidize local producers. American companies now pay 16c per foot duty for Aussie film imports into this country.

Another big subject for discussion is the drive by some Aussie producers to get more liberal terms for entry of their pictures into Great Britain. One major Britisher here denied that there was any discrimination against Australian pictures going into England. He cited three years when 13 Aussie films entered England and paid only \$543 duty, whereas in the same period British producers paid \$28,792 primage charges to bring films into Australia.

Clause in the new N. South Wales law, making it compulsory for an exhibitor to make up 15% of his annual theatre program out of British product, is believed aimed to facilitate passage of Aussie films into Great Britain.

There are many showmen who say that British product is not strong enough to pull top business. Aside from such pictures as 'Drums' (UA) and George Formby's comedies, it's predicted that exhibitors will suffer a big drop in revenue under the 15% regime. Executives claim that Hoyts never even considered showing British product entirely. Stuart Doyle, while boss of Greater Union Theatres, tried to create a British chain in the Antips but was forced to abandon it because of boxoffice results.

Pix in South Africa

Capetown, Dec. 12.

Metro and Warner Bros. are setting the pace here with three films apiece. Pictures here:

Colosseum, 'Clitterhouse' (WB), followed by 'Four's a Crowd' (WB); Alhambra, 'Mutiny of the Elstomere' (AB); Plaza, 'First 10 Years' (M-G); followed by 'Married Before Breakfast' (M-G), Royal, 'Yellow Jack' (M-G), and Adelphi, 'White Banners' (WB).

Johannesburg, Dec. 12.

Films playing here include the following: 'Flaza,' 'Owd Bob' (Gainsborough); Colosseum, 'Four's a Crowd' (WB); Metro, 'Antoinette' (M-G); Standard, 'Sinners in Paradise' (U) and Bijou, 'Farewell Again' (M-G).

Durban, Dec. 12.

Pictures here are as follows: Criterion, 'Kid Comes Back' (WB) and 'Secret Valley,' King's, 'Elephant Boy' (UA); Metro, 'Lady Vanishes' (Gainsborough), followed by 'Everybody Sing' (M-G); Playhouse, 'Dodge' (UA); 20th Century, 'Si e Ship' (20th), followed by 'Pigskin Parade' (20th).

Day of reckoning for embryo foreign distributors in New York is near at hand. Newcomers to the local field of foreign film distribution who went out last summer and made extensive commitments at comparatively high figures will be checking their balance sheets and have to decide whether to continue the struggle or quietly fold.

What has happened in the local foreign picture distrib field is just what vets in the business predicted would occur. Influx of newcomers bid up prices for French-made and other films, grabbed up all available product whether outstanding or not and then found themselves stocked up with foreign pictures, majority of which will not return the original outlay.

This surplusage of foreign films has brought out more first-run foreign art theatres temporarily. This has tended to damage regular patronage at the established art foreign houses because of the weakie pictures. Nevertheless it has not damaged them as much as it has injured the distributors of the pictures, themselves.

There has been a constantly growing list of first-run foreign language theatres in downtown New York. In 1936, the 55th St. Cinema was practically the only first-run house near Times Square. Filmarte and Belmont inaugurated first-run policy in 1937. Later did not stick entirely to policy of showing new features, indicating even then that it was difficult to secure enough new draw films from the foreign producers.

This year, however, in addition to the Filmarte and 55th St., the Normandie, Waldorf, Fifth Ave. and World tried using first run product. Normandie already is back to American film while the Fifth Ave. apparently will return to its old second-run policy. Shortage of suitable first-run films forced the 55th St. to shutter for a time during this month, after essaying revivals, but is open again now.

Operators of art houses claim they need at least two good foreign features annually to carry on successfully. Thus far there are only two or three houses able to operate steadily in this fashion because foreign product does not measure up.

British Show Biz's Refugee Charity Drive; % of Grosses

London, Dec. 27.
Amusement industry here has started strongly organized movement to raise funds for assistance to German refugees of all denominations. A series of theatrical benefits sponsored by Earl Baldwin's son will take place Jan. 14.

Theatre owners will donate 10% of receipts and voluntary collections will be taken up among audiences. Every theatrical director and entrepreneur of any prominence has evinced intention to participate in the drive and three press agents have started advance campaign.

Time for Play

Jerusalem, Dec. 14.
With 25,000 British troops in the country chasing Arab rebels, the former were up against it for week end recreation. They finally thought of building special cinemas for each big barracks.

Three have been constructed, one in Sarafand, main Palestine barracks; another in Jerusalem and a third in Haifa.

'MARIE' RULES B. A.

Buenos Aires, Dec. 20.
'Marie Antoinette' (M-G) finishes today its third week at the Gran Cine Ideal. Picture still going strong. Excellent pre-release campaign will make it stay for another three or four weeks.

'That Certain Age' (U) is due to follow.

"KENTUCKY"



ALL RECORDS

at the

ROXY, NEW YORK
and
RIALTO, LOUISVILLE
and
POLI, NEW HAVEN
and
KEITH'S, DAYTON
and
POLI, BRIDGEPORT
and
INDIANA, INDIANAPOLIS

SANGER, NEW ORLEANS
and
MALCO, MEMPHIS
and
MILLER, WICHITA
and
POLI, HARTFORD
and
FOX, ST. LOUIS
and
OLYMPIC, UTICA



THE KEYSTONE OF YOUR FUTURE

The Girl Downstairs

(WITH SONG)

Hollywood, Dec. 21.
Matr. release of Harry Rapf production. Features Francisca Gaal, T. S. Galt, Connelly, Directed by Norman Taurog. Screenplay by Jack Noll; from story by Sander Hunsday. Songs, Bob Wright and Connelly. Francisca Gaal, T. S. Galt, Connelly. Elmo Vernon. Previewed at Westwood Village Dec. 20, '38. Running time, 75 mins.

Exceptional direction and a fine cast overcome deficiencies of a rather incredible Cinderella yarn to make 'Girl Downstairs' mildly entertaining fare. Due to get by for moderate take along the line, depending on how combo of Francisca Gaal, T. S. Galt, Connelly, Elmo Vernon, and Billy Gilbert stacks up for 'draw' ability in individual situations. In the keys, support will be required.

Story of rich playboy who courts scullery maid and falls in love with her. Home of girl he is romancing, with the slave falling in love with the boy, for a Cinderella finale, is rather beyond the realms of plausibility. But despite this, the picture is saved by some excellent performances and keen direction by Norman Taurog.

Story is particularly effective in the lead, giving plenty of sincerity to his role. It's his final one for Metro under recent contract, as he intends to confine his activities during the next year to the production of the Group Theatre organization.

Characterization of Francisca Gaal as the scullery maid is reminiscent of some of the early Pickford features. But the next year, the picture is further brought back memory of the Mary Pickford of that era. This is no reflection on Miss Gaal's performance, as she works hard with sincerity and has a picture that may break through. This is her third picture in America, and in each she is the scrubbing-brush and the scullery maid who finds a happy ending in the final reel.

Connelly is thoroughly capable as the gruff millionaire who attempts to save his daughter from T. S. Galt. The cast is particularly well-balanced, with Billy Gilbert prominent in a brief sequence that highlights the comedy passages.

Despite the illogical story, Taurog whips the action into a sustained pace, and injects many human angles and situations to lift the picture above ordinary rating. Photography by Clyde De Zee is particularly meritorious, and his lighting of Miss Gaal makes her a thing of beauty—even as a scullery maid.

The Frontiersmen

(WITH SONGS)

Paramount release of Harry Sherman production. Features George Hayes, Russell Hayden, William Boyd, additional dialog, Directed by Lesley Selander. Screenplay by Norman Houston; from story by Clarence B. Mulford series; camera, William Burton. Previewed at Westwood Village Dec. 22, '38. Running time, 71 mins. Running time, 71 mins.

Well-constructed oats opera in the Hopalong Cassidy series, 'The Frontiersmen' differs chiefly from the others in that there is stronger romantic interest developed and a group of singing schoolboys figures in the prairie school episodes. Emphasis on the day sequences holds back robust western action until the last 15 minutes when it is doubly concentrated. Shot to take its place with other stronger vehicles in the series.

Picture hints that the 'three cattle musketeers' theme may be developed and, in time, surmount featuring the single character of Hopalong Cassidy. Several scenes in the picture suggest producers may have this in mind. It's a smart idea. The two characters of 'Lucky' and 'Lucky' have been built solid but sure, in recent months until both in time might be drawn if put on equal footing with Hopalong.

Hayes, as Windy, representing the old-time cowboy angle, and Russell Hayden, as Lucky, typifying the younger generation of cowboys, have become identified with the Hopalong prairie plots. This is seen in the easy manner in which they work together with Billy Boyd (Hopalong) in this production. Even the more exaggerated love scenes, the three have close to character and lend credibility to the romantic developments.

New tale depicts the struggles of a western family and their cowhand assistants to place the town school on a workable basis. The schoolmar from Boston does the trick by winning over the family's incorrigible son (Dickie Jones) and gaining the backing of the tough-and-ready cow-

punchers. A cattle-rustling angle, of course, is introduced since this furnishes the snappy actionful climax. St. Brendan Boys Choir, cast as a group of school youngsters, lend a distinct musical touch to the outdoor songs with their vocalizing. They fit in plausibly. Lesley Selander directs according to standard. Wear.

PACIFIC LINER

Hollywood, Dec. 22.

RKO release of Robert Sisk production. Features Victor McLaglen and Chester Morris. Directed by Fred Landers. Screenplay by David Swift from story by Anthony Colver and Henry Roberts Symonds; camera, William Burton; music, Harry Mark; asst. director, Sam Ruman. Previewed at Pantages Dec. 21, '38. Running time, 75 mins.

A decidedly weak offering that unsuccessfully attempts to squeeze drama from an outbreak of cholera aboard a ship bound from Shanghai to San Francisco. 'Pacific Limer' will find its level as a Chester Morris and Wendy Barrie may attract some, but audiences as a whole will be dissatisfied with the subject matter.

Unwise production guidance must take the blame for this one. Experience shows that previous stories with cholera, typhoid, leprosy or leprosy are not palatable to picture audiences. The cholera epidemic below decks in the stokehole and engine rooms gives a vivid display of the ravages of the disease—men suddenly keeling over and dying off, with the corpses being buried in the ship's hold. It's rather a drab setting which neither cast nor direction can overcome. Picture moves at a slow pace that becomes increasingly unconvincing finish. Practically all of the action is confined to the quarantined engine room and stokers' quarters, with the rest of the ship's attention is given to comedy passages to lighten it up.

McLaglen is the rough and tough chief engineer who drives his men with an iron fist. Chinese stowaway in the engine room dies of cholera, and remainder of the script with a few scenes of the ship doctor (Morris) to save lives of the crew, with Miss Barrie assisting as nurse, until the boat docks.

GANG BULLETS

Monogram release of E. B. Derr production. Features Robert Kent and Anne Nagel. Directed by Lambert Hillmyer. Screenplay by Robert Kent and E. B. Schoenharth; camera, Arthur Martinelli. At Columbia, Lincoln, dual. Running time, 62 mins.

Only entrancing thing about this for the patron is the title. Certainly its quota of bullets, or shooting, is very light, as is the action, which for the most part occupies the time with discussion in the district attorney's office, his home, and in the courtroom. There are no chases, and the climax finds the chains in plenty on the transgressors, is very lukewarm.

Featured are Anne Nagel, daughter of Trowbridge, as the D.A., and Robert Kent, who is Trowbridge's assistant prosecutor and his prospective son-in-law. Nobody gets excited, or emotional, or particularly shocked. The picture is a fairly original screenplay, so dramatics are out, and every part is played in well oiled precision, if not too interesting.

Situation finds Morgan Wallace, a racketeer, being loaded on a train and shipped out of a town where he's caused trouble. Gets off in another town and takes to the streets immediately into trouble with Trowbridge's office. Since previous D.A.'s have had trouble trying to pin anything on the wily criminal, Trowbridge and Kent try to bring him down by their hand and catch him up on it. Involves some secretive by-play, which makes it rough going on Kent's romancing. Miss Nagel is not taken into either man's confidence.

Wallace has a pretty crew of henchmen for his cr'king, such familiar child searers as John Merton, John T. Murray, Carleton Young and Arthur Looff credit for appearance in the film, but he fails to show. Williams, not billed, is in, however.

As a short stayer, an asking advantage is the picture's lack of sensationalism on the marquee. 'Bullets' will get by in the action play. Crowd will catch up with it soon on the longer stays. Definitely for the short in any case. Barn.

Miniature Reviews

'The Girl Downstairs' (M-G). Keen direction and fine performances highlight moderate programmer.

'The Freshersman' (Par). Music featured in one of better Hopalong Cassidy westerns.

'Pacific Limer' (RKO). Drab melodrama with little interest to hold attention.

'Torchy in Chinatown' (WB). Falls to hit standard of recent Torchy series. Okay for dualers.

'The Gang' (Syn). Plummy tale of British Boy Scouts staging a musical. Deadweight even for dualing.

KREUTZER SONATA

(FRENCH-MADE)

(WITH MUSIC)

Foreign China. Art release of Forrester-Parant production. Features Gaby Morlay, Jean Tonnel, Pierre Renoir and Edmondemo Guey. Directed by Claude M. Mery. From the Leo Tolstoy novel; scenario, H. Andre Legendre. Released by United Artists. World, N. Y., week Dec. 19, '38. Running time, 80 mins.

In French with English Titles For a French production incorporating so little action, this picture holds audience attention fairly well until closing passages. It just misses being substantial entertainment of draw possibilities because of failure to cash in on the latent Russian triangle plot. Instead, the French producers have the wronged family man go berserk and shoot his rival and his wife. There's an attempt to temper the conclusion by having his mate recover, thus enabling him to duck a heavy sentence. In toto, the obvious strong points have been lost in the shuffle.

'Kreutzer Sonata' is for arty theatres but the title and its music may hinder its progress. Film is based on Leo Tolstoy novel and also based on the Tolstoy original is deeply subordinated. 'Opus 47' figures in musical score and so does a piano-violin concerto.

Director Charles Guichard has incorporated much suspense into a routine story. Picture is well staged, and the music is a few well-arranged concert sequences. Gaby Morlay, as the wife, gives a well-shaded portrayal. However, top acting honors go to Jean Tonnel, Jacques Chabert, and 'se, as the party-loving bachelor who, seemingly finds happiness in quiet, married life.

Director, veteran French screenwriter, gets little chance since he's a suicide early in the picture. Edmondemo Guey, as his wife, figures in a tor'd love scene and then is lost in the shuffle. Jacques Chabert, as the concert violinist; Annie Rozanne, J. P. Chiss and Gisele Gier head the sup' rt.

Torchy in Chinatown

Hollywood, Dec. 24.

Warner Bros. release of Bryan Foy production. Features Glenda Furrell, Barton MacLane, Tom Kennedy, Patrick Knowles, Henry O'Neill, and George Bruck. Screenplay by George Bruck, based on characters created by Frederick Nebel; dialog, Arthur Looff; camera, Warren Lynch; editor, Richard L. Schickel. Released by Warner Bros. World, N. Y., week Dec. 24, '38. Running time, 68 mins.

A lightweight in the Torchy series, not up to standard of recent predecessors. Rather elemental murder mystery, with audience way ahead of Barton MacLane in tabbing the solution. For bottom dualers.

Title is misleading, only Chinatown background being stock shots for opening. Farn deals with true story, while MacLane flounders around long enough to pile up footage for an hour's unfolding.

Glenda Furrell, MacLane, and Tom Kennedy are in tabbing the show as in previous pictures of the series.

Director William Beaudine lightened things up with numerous gags and situations of the slapstick variety, and over-all kept things moving at a rapid pace, despite obvious story handicaps.

IN EARLY ARIZONA

Columbia production and release. Stars Bill Elliott, features Dorothy Gulliver, Henry O'Neill, and Jack Ingram. Screenplay, Nate Gatzert; camera, James S. Brown, Jr.; editor, Dwight Caldwell. Released by Columbia. World, N. Y., week Dec. 22, '38. Running time, 65 mins.

Bill Elliott now comes to the screen as 'Bill Elliott' apparently because Columbia starred him as Wild Bill Hickok in a recent serial. One-time general biker among the cowboys, he has gone the way of many others and become representative of the west that was. Foundation of 'In Early Arizona' is the famed outlaw of Tombstone, but for once the film version is quiet in comparison to the story as told by Walter Noble Burns in his book.

Suggestion is made in the foreword that none of the characters in the picture is supposed to represent people living or dead, but that the shadow of such men as Doc Holliday, the Earps, Clantons, McLowrys, etc., are everywhere. In fact, in part. Of them all, Doc Holliday actually seems to live in character, and Elliott plays a man thinly disguised from Wyatt, who never shot the outlaw and guided the territory to showdown.

Tombstone's story has been told in pieces in many westerns, never well, and 'In Early Arizona' does not contribute much either, other than being a western which will get along fairly well. With Tombstone as the avowed subject, it falls away short.

Full quota of riding, shooting, a little brawling, practically no romance, and a string of expected suspense, which shortens all suspense possibility, tells the story. Elliott comes into Tombstone at the request of his friend and town marshal, Jack Ingram, but he really wants to settle down and start a new life in the city and some of the other western sinkholes. Is badged immediately and sets out to gunpowder outlawry out of existence. Best performance is by Henry O'Neill, who is Arizona roughie. Others go so—Barn.

FATHER O'FLYNN

(IRISH-MADE)

(WITH MUSIC)

Hotberg release of Butcher Film production. Stars Bill Elliott, features Jean Adrienne and Denis O'Neill. Directed by William O'Neill. Released by Butcher Film. World, N. Y., week Dec. 28, '38. Running time, 68 mins.

Producers have spent considerable in creating suitable background for this tawdry melodrama of present-day Ireland. The story of a man who made a cinema rep with another Irish production, 'Kathleen', in the title role. Picture is a better film of the type turned out by producers of Old Erin, but it lacks the behind-the-scenes ordinary program features of Hollywood origin. Hence it will have only limited appeal in scattered art theatres.

Yarn, which is purportedly based on the famous song of same title, concerns the romance of Macushla, an English-looking colleen, and of the long-suffering Irishman who attempts to spirit her away from her sweetheart and Father O'Flynn, who has looked after her since childhood.

Manner in which the story is held a voluntary prisoner by her own parent and a convincing friend is a severe test on the audience's credulity. And since the highlights of the dramatic tale depend strictly on this development, the entire story seems far-fetched even for a meller. There is a rousing fist fight near the conclusion, in which the hero, as though the picture would sing it up to a peaceful, uninspired close.

Although many of songs are forcible and inane, introduced into the plot, they do not detract from the merits. 'Ave Maria', as sung by Tom Burke, is tops. Others include 'Macushla', 'Let's Fall in Love', 'Father O'Flynn', 'I Know I'm a Soldier', 'Eyes'. Faulty recording spoils part of ballads, with sound emerging at wrong time and sometimes without any lip movement.

Most of the sequences are inside a cabaret-gambling house at Liverpool, where Macushla is held and forced to sing to guests. This is marred by the lightweight direction and silly introduction of Irish-looking line of unattractive chorines. Tom Burke is satisfying as Father O'Flynn, and sings nicely. Jean Adrienne, as the red-haired Macushla, is passable while warbling, but neither pretty nor can she act. Denis O'Neill, play with Irish acting groups, okay as Flannagan. Supporting cast is only fair, and suffering from direction. Wear.

THE GANG

(BRITISH-MADE) (WITH MUSIC)

Syndicate Pictures release of Herbert Wilcox production. Features Ralph Reader, directed by Ralph Reader. Screenplay by Ralph Reader. At Central, N. Y., week Dec. 22, '38. dual. Running time, 54 mins.

This is the type of British production that fails to show genuine exhibitors from not wanting English pictures. Herbert Wilcox is credited as producer, one of his weakest and probably an oldie.

It seems an English Boy Scout captain thinks it would be smart to turn musical comedy producer instead of returning to his measly job after some sort of Scout jamboree and encampment. That is the cause of all that follows, and most of it is ill-conceived and inanely executed. Part of the music is fairish; that's.

Ralph Reader is billed as the leading player of the production. He is every place that a camera manipulator stops his lenses. He taps fairly regularly by his own hand, but never, are thin. Gina Mayo, possibly the only ex-American player faintly recognizable in the cast, proves that she hasn't become an actress. Miss Sigala does all the singing, and her sprightly moments and survives some faulty makeup and crude camera angles. Remainder of cast is mediocre.

Reader also takes the rap for the story, songs and is also the leading man. His score is the best chore; Alfred Goulding directed, but it is doubtful if anybody will find it much with the people and material at hand. Wear.

FIGHT TO THE LAST

Garrison release of Chinese Film Co., under supervision of the Chinese Government. Directed by C. Cheng. Photo-graphed by H. W. Wang. Released by Sheng. At Roosevelt theatre, N. Y., Dec. 28, '38. Running time, 68 mins.

Sympathizers with the beleaguered Chinese probably will find this film interesting. Those with curiosity about what the Chinese can do in the way of making films with modern studios probably will find it interesting to talk about, but it's hardly commercial product for theatres in this country outside of cities where there is a large Chinese population.

The film is frankly dedicated to the purpose of uniting the Chinese nation in its battle against Japan. The horrors inflicted upon Chinese civilians are emphasized in much the same way they were in the early World War films in this country. All the action takes place in the village of Kaitang in the heart of China. The Japanese and Japanese lines. General Tetsu's home is captured by the Japanese, his family attacked and murdered. He trains the Chinese young on his own home when he gets news of the capture.

The staged scenes in the home and in the lines are surprisingly well done, but many of the scenes behind the scenes and battles and bombings have to have been made from doped negative; they are very grainy. Most of the newsreels have presented better pictures.

The dialog is in Chinese, with occasional snatches of French, but the English sub-titles are adequate. There is no difficult following the story thread.

Brendel-Burt, Ed Lowe

To Essay Vaude Dates

El Brendel will try a vaude comeback with his wife, Flo Burt. Swede comic, solo, recently closed with a unit on the Coast.

Charles Allen is also offering Edmund Lowe around in the east.

Scott with Shirley

Hollywood, Dec. 27.

Randolph Scott was signed for one of the top spots in 'Susannah of the Mounties', next Shirley Temple star, due to roll Jan. 8 at 8:30th Fox.

Actor recently completed a featured role in 'Jesse James'.

OHIO NIXES 'MAMLOCK'

'Professor Mamlock,' Russian-made anti-Nazi feature, has been rejected by the Ohio state censorship board. No reason officially listed for its rejection.

It was scheduled to open at the City Cleveland, Jan. 6. Daily press in Cleveland has been caustic about the alleged delay in the Ohio board taking action on the picture.

"KENTUCKY"



ALL RECORDS

at the

ROXY, NEW YORK
and
RIALTO, LOUISVILLE
and
POLI, NEW HAVEN
and
KEITH'S, DAYTON
and
POLI, BRIDGEPORT
and
INDIANA, INDIANAPOLIS

SANGER, NEW ORLEANS
and
MALCO, MEMPHIS
and
MILLER, WICHITA
and
POLI, HARTFORD
and
FOX, ST. LOUIS
and
OLYMPIC, UTICA



THE KEYSTONE OF YOUR FUTURE

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*Watch it's
Smoke!*



ERROL FLYNN
in
THE DAWN PATROL
with
BASIL RATHBONE • DAVID
NIVEN • DONALD CRISP
MELVILLE COOPER • BARRY
FITZGERALD • CARL ESMOND
Directed by EDMUND GOULDING
Screen Play by Seton I. Miller and Dan
Totheroh • From an Original Story by John
Monks Saunders • Music by Max Steiner

Warner Bros' Mighty

DAWN PATROL

Sending Holiday-Week Business Zooming!

(The Way Angels Did for Thanksgiving!)

New B. O. Stars

(Continued from page 1)

casting on various programs as guests are also probably lessening the public curiosity to see and hear them on film, it is believed.

During the past year most of the studios have experimented with a lot of new talent but none of it has progressed to the point many of the older stars reached, some of them overnight for terrible b.o. pull. The fault may be with the talent itself or with the failure of studios to build it up properly, with the result in virtually every case the studios have depended on their old star material during '38 to pull them through. It may be that it isn't as easy to build a personality into powerful b.o. as it was in former years.

Many featured players of promise have come along in the last couple of years but none has gone over the top in the way that Garbo, Crawford and others did when they hit stardom, making exhibitors fight for their pictures.

What's Happened to H'wood?

Product released in the last two or three months has had the theatres plenty worried. Many exhibitors are wondering what has happened in Hollywood. They blame several factors but what interests them most is that the big draw product has been lacking. Or so they aver.

Start of the fall season held considerable promise. Many exhibitors claim that of some 40 features released, only two or three have been truly big draws. According to their view of the situation, some of the fall pictures, made with usual formula, possessing name people and with every chance of succeeding, turned out to be pretty thin boxoffice fare, while so-called programmers turned up as big business-getters.

Exhibitors are saying frankly that they think Hollywood is letting them down. They are at loss to explain why. The same producers, same stars and same writers are at work. The proper amount of coin is being spent, but the pictures are not registering with the public. Distributors and producers' rebuttal is that the fault does not rest with Hollywood but with the exhibitors themselves—that the films are not being merchandised properly.

Admitting that some features and stars are difficult to sell to the patrons, they contend that if the public is apprised of how good the production is, the business will come.

So. Calif. B.O. \$1,250,000 Under '37-Product Blame

Los Angeles, Dec. 27. Picture house grosses throughout Southern California fell off an estimated \$1,250,000 during 1938 under the previous year. Of this sum, approximately \$800,000 in revenue was lost by Fox-West Coast theatres. General trade conditions, together with failure of many major producers to come through with consistent boxoffice product, is blamed by exhibitors for the heavy falloff in trade.

To offset these losses, exhibitors were forced in many instances to resort to pruning of operating expense, with the result most of them were able to overcome the lowered take.

F-W.C. it is pointed out, during past 10 weeks, has effected around \$5,000 savings in operating expense by eliminating all forms of giveaways and racketeering in its houses. For the same period, grosses, it is estimated, show an increase of around \$3,500.

President Charles P. Skouras, of F-W.C., is committed to abolishment of all forms of giveaways in his circuit's houses, and chain will go into 1939 with a clean slate.

Cantor's Tour

(Continued from page 1)

clamoring for the cuff duets. Many a hinterlander coming to New York or Hollywood clocks himself to take in an actual broadcast, as much as seeing the new shows or the major sights.

The line-change thing is no longer a factor, as it was in the past. Hook-ups are permanent and pickup from any key city is easy.

Nearest approach to this is Major

Bowes' 'salute' to the various cities, tied in with the local Chrysler motor dealers. But the broadcasts are still anchored in New York.

Furthermore, each community has its outstanding citizens or talents who could well be enlisted as supplementary guest stars. There are any number of Hoosier writers, hinterland artists, back-country politicians, journalists and personalities who could well be capitalized for radio b.o. purposes.

Fair's Sideshow

(Continued from page 1)

ling will be some of the nearby waterfront shows.

Frank Darling will operate a 'Children's World' on a seven-acre plot, in which will be featured toy rides of various types, backed up by elephants, camels, donkeys and miniature autos.

'Kiva' is the name selected for the American Indian display, under direction of Col. Milo W. Billingsley and (Miss) Idena Powell.

Other Sideshows

Tony Sarg has his name over 'Enchanted Forest,' an illusion show, peopled with birds, animals, fairies and elves. Adjacent will be Admiral Byrd's 'Penguin Island,' Dr. Coover's 'Infant Incubator' and Flash Gordon rocket trip to the planet Venus.

Morris Gest is concentrating on 'Little Miracle Town,' inhabited by 125 midgets, and the New York Zoological Society is sponsoring a Bathysphere.

Among the more pretentious concessions is Sam H. Grisman's 'Cuban Village,' in which three large restaurants will be situated.

'Winter Wonderland' is being built by R. J. Sipchen and will have special effects featuring a daily blizzard.

Dawn of 1939

Playing of 'Dawn of a New Day,' by the late George Gershwin, will be featured by bands throughout the nation as the new year is ushered in.

This is the N. Y. World's Fair theme song. New York State Hotel Assn. and other organizations will have its orchestras broadcast the tune at 12:01 a.m. on Jan. 1, 1939.

likely to be popular during the June heat, and toboggan and ski slides.

Messmore & Damon have filed plans for Old New York, in which George Jessel and associates are interested, and the Schless Construction Co. is building 'Merrie England.'

Also listed to date among the larger display are Emmett W. McConnell's 'South Seas Village,' a Three-Ring Restaurant, sponsored by P. Ballantine & Sons; Heineken's 'Zuyder Zee,' in which Robert K. Christensen, managing director of the Hotel Astor, is an important hand; Jack Fine's 'Circus Cabaret'; John Hix's 'Strange as It May Seem'; Frank Buck's 'Jungleland'; Jack Sheridan's 'Living Magazine Covers'; Cliff Wilson's 'Live Monsters'; Norman Yale's reproduction of Victoria Falls; Judy C. Traver's stratosphere; and various rides by Dufour & Rogers, Norman Bartlett, Harry C. Baker and others.

Italian Bldg. Does a Slide

Fair had its first major mechanical setback Wednesday (21) with the Italian building sinking three inches into the Flushing marshes. Fair officials are trying to 'hush-hush' the accident, while work has been suspended on the condemned building. Ground that Fair is being built on was formerly marshland and has been filled in. All building specifications call for sinking of huge piles for supports. Understood that piles supporting the partly finished Italian building were not long enough. Only framework had been done so far.

MCA's Name Bands for S.F.

Hollywood, Dec. 27. J. C. Stein, prez of Music Corp. of America, is currently commuting between his Hollywood headquarters and the San Francisco Fair on a name-band idea, which the expo's Treasure Island show will feature. The Frisco Fair realizes that New York's 1939 World Expo will furnish plenty of stiff opposition, but hopes to more than hold its own via showmanship methods.

One manifestation, of course, is Frisco's now generally known inclination to let its hair down, so far as midway diversissement is concerned. The city fathers figure that the Barbary Coast heritage of the

Buckles Down

(Continued from page 3)

broadening demands for elimination of waste and better pictures. Production bosses, who at first said it couldn't be done, were amazed by what happened when they halfheartedly gave the idea a trial.

Old custom of pulling into studio at 11 a.m. is now only a memory. Important execs today can be found at their desks at 9 o'clock, and, unless all signs flag, 8 or 8:30 will become the generally accepted hour before spring rolls round.

Changed conditions can be traced to many causes, including clampdown by bank and home office execs, stockholder suits, ever-increasing influx of creative and administrative talent and the constant presence of that ogre—out!—for those who lag behind the procession. Outside interests, once so important to picture moguls, have been pushed into background in the mad scramble to keep eastern holders of the moneybags appeased.

Tightening on treasury output has been general on every lot in this village. Hundreds of heavy items of expenditure formerly considered dire necessity have been wiped out without visibly reducing operating efficiency or lowering silversheet values. Bums have been placed against age-old freedom accepted by talent agents and merchandise, insurance and realty peddlers, with four studios—Metro, Warners, Universal and Republic—bolting gates tight against them.

Scripts Off the Shelves

Purchase of plant maintenance supplies, set construction and other materials today are being more closely scanned than at any time in the past.

Move for costly stage plays and novels is on wane, with story editor more interested in original yarns because of price variance. Vehicles cluttering files are being dusted off and refurbished in order to winnow something from an otherwise wasted investment. Talent rosters and talent administration departments are being pruned to the marrow, with even the \$50-a-week stock girls, who earned their checks by posing publicity pictures, going along with other extravaganzas. Outlay on new screen services has been trimmed more than 75% in past year. Dramatic coaching schools maintained by major companies are being shuttered. Even stars are being dropped when they refuse to ink new agreement at present salaries instead of holding out for bonus provisions for option clauses.

Many a director who once declined to work unless he was paid \$100,000 per picture is now available at \$40,000 to \$50,000. Added impetus was given economy drive last spring when Universal installed Cliff Work, brought from RKO's theatre, as general manager at Universal. He is hampered by friendships and tradition, he slashed plant costs and payroll right and left. Balance of industry was quick to take notice. Heads of rival factories hopped on the idea that if Work could do it, they could, too. Many of trims made by Work have since been put into effect elsewhere. Joseph M. Schenck reached out to Metro and hired William Koenig to effect monetary reforms at 20th-Fox. Tremendous savings have already been brought about.

Eyes on Freeman

Coming of Y. Frank Freeman, also theatre-trained, to Paramount, also theatre-trained, to Paramount, momentarily has eyes of studio chiefs trained on that spot. In his office at 8 a.m. daily since his arrival three weeks ago, Freeman already has made a complete survey of the situation. His program of economies is now being inaugurated.

New year will see continuation of campaign against loose operating methods. Onlookers wise in ways of entertainment manufacture estimate the gigantic savings accomplished in 1938 will be trivial as compared to those yet to come.

Exhibits, however, that, of course, means the public, are assured that pictures will continue to improve in quality because the industry is being moved onto a healthy foundation.

town is a good stunt, along with sex appeal features with which to lure the hinterlanders. The name-band idea will be the convincer.

A big revue by Stein and Clifford C. Fischbein, who were in charge of the first 'Folies Bergeres' importation into America during the Chicago Exposition, is part of the pep-up scheme.

Exhibits Ally Themselves Against Any Adverse Theatre Legislation

St. Louis, Dec. 27. The recent call by Fred Wehrenberg, president of MPTOA of Eastern Missouri and Southern Illinois that exhibitors in Missouri and Illinois should watch for adverse legislation, affecting their biz, that may be introduced in the forthcoming sessions of the Missouri and Illinois legislatures, has resulted in exhibitors in both states rallying to the warning.

In addition representatives from the Western Missouri and Kansas MPTOA and individuals from Missouri and Illinois responded to Wehrenberg's invite to attend a meeting last week. After telling how adverse legislation is liable to slip through the lawmaking bodies unless there is a continuous check, Wehrenberg pointed out that Missouri has no exhibitor who is a member of the legislative while Illinois exhibitors have State Senator Lou Menges of East St. Louis to look after their welfare and interests. Menges has a string of houses in East St. Louis and southern Illinois.

Wehrenberg also pointed out how adverse legislation has been passed simply because of the smug attitude taken by exhibitors who said 'they can't do such things.' The only way to stop such law being enacted, Wehrenberg said, was to keep a constant vigil during the legislative sessions, notify all exhibitors of bills aimed at their welfare and then fight such obnoxious laws to a standstill.

Morris D. Leonard, prez of the Chicago Theatre Owners' Assn. in a letter to Wehrenberg, gave assurance that his body will cooperate to forestall unfair and unjust legislation that may be introduced in Springfield, Ill. Missouri delegates to the meeting included Frank Cassil, St. Joseph, prez. MPTOA Western Missouri and Kansas; Dick Beichele, Kansas City; John Stapel, Columbia; George Hartman, North Kansas City; and Sam Abend of the Exhibitors' Film Delivery Co., K.C.

Two special committees were appointed by Wehrenberg to scrutinize all bills introduced in the two legislatures. Missouri's lawmakers will be given the o.k. by Ed E. Rudolph, Clarence Kalmann and Tommy James, St. Louis; Henry J. Holloway, St. Joseph; Fred S. Fulton, John Stapel, Columbia; A. C. Mercier, Perryville; Everett H. Hayes, Sullivan; C. M. Bassman, Hermann; Mrs. George Marsch, Flat River; H. E. Miller, Festus, and Wehrenberg. The Illinois Committee is composed of Robert C. Clutter, Salem; I. W. Rogers, Cary, Fred Southern, Madison Theatre; Leon Jarosky, Paris; Elmer Rodden, Pana; Morris D. Leonard, Chicago, and S. E. Pertle, Jerseyville. Cassil assured Wehrenberg said he would appoint similar committees for the MPTOA of Western Missouri and Kansas.

Doesn't apply with flesh, however, since even on Sunday, stage shows aren't permitted in this state, being limited to six days a week.

NAT'L SCREEN SUING OPPOSISH TRAILER CO.

National Screen Service Corp., producers of motion picture trailers and ad scripts, filed suit Friday (23) in N. Y. Federal court for an injunction and damages against Trailer Made, Inc., Isador Schwartz, its president, and Pathe Film Corp. for infringement on sound tracks owned by the plaintiff corporation. The suit claims the defendants in conjunction have made over 500 trailers since the incorporation of the Trailer Made outfit in January and that an inspection of 10 out of 30 indicates some form of illegal piracy. NSS also asks for an order for an inspection of the remainder.

Sound tracks of trailers alleged to have been infringed upon are being used in connection with the following pictures, according to the plaintiff: 'Tropical Holiday,' 'One Wild Night,' 'Danger in the Air,' 'Smashing the Rackets,' 'Mother Carey's Chickens,' 'Prison Break,' and others. The complaint also charges theft of musical compositions used in connection with the running of the trailers. Besides an injunction, the plaintiffs seek an accounting and damages to be set by the court.

'Hound' Starts Sniffing

Hollywood, Dec. 27. 'Hound of the Baskervilles' rolled at 20th-Fox today (Tues.), the first production work on the lot since 'Mr. Moto in Porto Rico' was finished Wednesday (25).

Sol Wurtzel's B unit has nothing slated until a Charlie Chan picture starts Jan. 18. Studio has been operating with a skeleton staff.

STORY BUYS

Hollywood, Dec. 27. Metro purchased Charles Martin's story, 'Sweepstakes,' from Universal.

Fay Mitchell and Evelyn Edwards sold their yarn, 'Drive In,' to Grand National.

Edward Small bought 'Captain Frisco,' by John Larkin and Warren Wilson.

Dalton Trumbo sold 'A Woman Gone Wrong' to Grand National. Metro bought rights to the old musical, 'Prince of Pilsen.'

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Fa. May Dodge Divorcement

Philadelphia, Dec. 27. For the first time in as many years as most film men can recall, State Legislature will meet in January without the prospect of being faced with a single bill concerning the picture industry. Only possibility of an important measure being offered lies in the hint of Senator Harry Shapiro some weeks ago that he might introduce a divorcement bill.

Shapiro is attorney for Herb Elliott, operator of the Fern Rock theatre, who filed injunction and monopoly proceedings against Warner Bros. Inasmuch as Elliott's plight has been more than amply settled, through WB appealing the indie exhibit, it is felt unlikely that Shapiro will employ the divorcement proceedings.

Philly's 3% Tax Idea

War on City Council has been started by exhibs here to prevent passage of the 3% sales tax ordinance now ready to be voted on. It varies from the present 2% measure in that it is so worded as to include film. In other words city will collect the levy on rental fees paid by exhibs.

All exhibs were asked by United Motion Picture Theatre Owner execs last week to pressure their councilmen to defeat the measure or at least remove the objectionable portion of it.

TITLE CHANGES

Hollywood, Dec. 27. 'Lone Star Pioneers' is release title for 'The Guerillas' at Columbia.

'Boy Slaves' is third tag for 'White Slaves,' formerly 'The Pure in Mind,' at RKO.

Judith Randall became 'Woman Make New Republic.'

RKO switched from 'Miss X' to 'They Made Her a Spy.'

'Whispering Enemies' is final handle for 'Wreckage' at Columbia.

Universal changed 'Brown of Culver' to 'The Spirit of Culver.'

'Navy Secrets' is release tag for 'Navy Girl' at Monogram.

Monogram switched from 'Santa Fe Bound' to 'Drifting Westward.'

WORLD PREMIERE RADIO CITY MUSIC HALL THURSDAY, JAN. 26

GUNGA DIN

BACKED BY A NATIONAL
ADVERTISING CAMPAIGN
AS BIG AS THE PICTURE!

Watch trade
papers for
details...

starring
**CARY GRANT • VICTOR McLAGLEN
DOUGLAS FAIRBANKS, JR.**

WITH **SAM JAFFE • EDUARDO CIANNELLI • JOAN FONTAINE**

PANDRO S. BERMAN IN CHARGE OF PRODUCTION

PRODUCED AND DIRECTED BY GEORGE STEVENS

From a Story by **BEN HECHT** and **CHARLES MacARTHUR**

Screen Play by **Joel Sayre** and **Fred Guiol**

**R K O
RADIO
PICTURES**

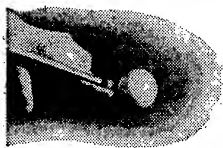
Based by
RUDYARD KIPLING'S
 poem



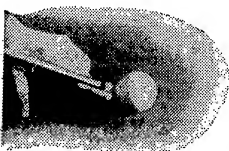


YOU'RE IN POSITION!

TO START A PROSPEROUS NEW YEAR!



It's
clicking!



It can't
miss!

"SWEETHEARTS" Begins Sensationally! JEANETTE MacDONALD, NELSON EDDY pack opening engagements of Technicolor Hit! Industry prediction that 375 simultaneous New Year's bookings by M-G-M will amass biggest gross in first week ever experienced in film history!

"STAND UP AND FIGHT" is another box-office "Sweetheart"! WALLACE BEERY, ROBERT TAYLOR in the greatest action and adventure picture since "Mutiny On The Bounty." Advertise! Exploit! Profit!

"HAPPY NEW YEAR," says The Friendly Company

FILM BOOKING CHART

(For information of theatre and film exchange bookers, VARIETY presents a complete chart of feature releases of all the American distributing companies for the current quarterly period. Date of reviews as given in VARIETY and the running time of prints are included.)

(E) BEISSUES

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WEEK OF RELEASE	TITLE	PRODUCER	DISTRIB.	TYPE	TALENT	DIRECTOR	TIME MINS.	WHEN REVIEWED BY VARIETY
10/14/38	FLIGHT TO FAME SHADOWS OVER SHANGHAI YOUNG DR. KILDARE WHERE THE BUFFALO ROAM ARKANSAS TRAVELER A MAN TO REMEMBER FIVE OF A KIND THERE GOES MY HEART SWING THAT CHEER THE SISTERS	Ralph Cohn Fine Arts Lou Ostrow Ed Finney Geo. Arthur Bob Sisk K. MacGowan Hal Roach Max Golden David Lewis	Col GN MGM Mono Par 20th 20th UA College WB	Drama Meller Com-Dr Western Com-Dr Drama Rom-Com Rom-Com College Drama	C. Farrell-J. Wells J. Dunn-E. Morgan L. Ayres-L. Barrymore Tex Ritter B. Burns-F. Balinter E. Ellis-A. Shirley Dionne Quin-Hersholt F. March-V. Bruce T. Brown-A. Devine E. Flynn-B. Davis-A. Louise	C.C. Coleman, Jr. Chas. Lamont Chas. Buquet Al Herman Al Santell Garson Kanin H. I. Leeds Norman McLeod Harold Schuster Anatole Litvak	67 86 83 55 83 61 83 81 93 65	12/14 12/7 10/19 11/2 10/3 10/19 10/12 9/28 11/16 10/5
10/21/38	LISTEN, DARLING MYSTERIOUS RIDER MAD MISS MANTON MYSTERIOUS MR. X SERVICE DE LUXE GIRLS ON PROBATION	Jack Cummings Harry Sherman P. J. Wolfson Sol Wurtzel Ed Granger Bryan Foy	MGM Par EKO MGM WB WB	Rom-Dr Western Mys-Com Mys-Com Com Drama	Bartholomew-J. Garland D. Dumbrell-C. Fields B. Stanwyck-H. Fonda P. Love-M. Maguire C. Bennett-V. Price-Ruggles J. Bryan-Sheila Bromley	Edw. Marin Les Selander Leigh Jason Norman Foster Rowland V. Lee Wm. McGann	72 74 75 61 85 60	10/19 11/16 10/12 9/21 10/19 10/26
10/28/38	THE LITTLE ADVENTRESS THE GREAT WALTZ THE CITADEL MEN WITH WINGS I STAND ACCUSED TARNISHED ANGEL SUEZ YOUNG IN HEART THE STORM THE LAST EXPRESS BROTHER RAT	Col Bernard Hyman Victor Saville Wm. A. Wellman John H. Auer B. P. Fineman Gene Markey D. O. Selznick Ken Goldsmith Irving Starr Robert Lord	Col MGM MGM Par Par EKO EKO UA U Meller WB	Action-Dr Musical Drama Drama Drama Drama Spec Rom-Dr Drama Drama Comedy	E. Fellows-J. Wells L. Rainer-F. Gravet R. Donat-R. Russell F. MacMurray-H. Milland E. Cummings-H. Mack-L. Talbot S. Ellers-L. Bowman T. Power-L. Young J. Gaynor-D. Fairbanks, Jr. C. Bickford-B. McLane K. Taylor-D. Kent W. Morris-F. Lane-J. Wyman	D. R. Lederman J. Duvivier King Vidor Wm. A. Wellman John H. Auer Leslie Goodwins Allan Dwan Richard Wallace Harold Young Otis Garrett Wm. Keighley	69 107 112 102 61 101 109 91 75 60 90	11/9 11/2 10/26 10/26 11/2 11/2 10/19 11/2 11/2 10/19 10/19
11/4/38	IN EARLY ARIZONA GANGSTER'S BOY GUN FIGHT THE LAST RIDE ILLEGAL TRAFFIC LAWLESS VALLEY RHYTHM OF THE SADDLE ALWAYS IN TROUBLE EXPOSED HARD TO GET	Col W. T. Lackey Robt. Tansey Jeff Lazarus Harold Hurley Bert Gilroy Harry Grey John Stone Bert Kelly Sam Bischoff	Col Mono Mono Par Par EKO 20th 20th WB WB	Western Meller Western Rom-Dr Meller Western Western Comedy Drama Comedy	B. Elliott-D. Gulliver J. Cooper-L. Gitman J. Randolph-Stanley A. Tamiroff-F. Farmer J. C. Nash-M. Carlisle G. O'Brien-K. Sutton G. Aubrey-S. Burnette J. Withers-A. Tranchesi-J. Rogers O. Kruger-G. Farrell D. Powell-O. de Havilland	Jos. Levering Wm. Nigh Wallace Fox Alfred E. Green Louis King David Howard Geo. Sherman Jos. Santell Max Golden Ray Enright	55 75 71 68 57 68 69 69 78 78	12/28 11/9 11/9 11/9 11/23 11/9 11/9 11/23 11/9 11/9
11/11/38	ADVENTURE IN SAHARA THE FROG SPRING MADNESS IF I WERE KING ANNABEL TAKES TOUR STORM OVER BENGAL JUST AROUND THE CORNER HIS EXCITING NIGHT TORCHY GETS HER MAN	Lou Appleton Herbert Wilcox Edw. Chodorov Frank Lloyd Armand Schaefer Dave Hempstead Ken Goldsmith Bryan Foy	Col GB MGM EKO EKO 20th U WB	Drama Meller Rom-Com Drama Rom-Com Rom-Dr Comedy Rom-Com Comedy	P. Kelly-L. Gray N. Beery-G. Barker M. O'Sullivan-L. Ayres E. Coleman-F. Dee-Rathbone J. Oakie-L. Ball P. Knowles-R. Hudson S. Temple-C. Farrell C. Ruggles-O. Munson G. Farrell-B. MacLane	D. R. Lederman Jack Raymond C. S. Simon Frank Lloyd Les Landers Sid Salkow Irving Cummings Gus Meins Michael Curtiz	69 75 66 109 65 62 70 61 62	12/21 4/7/37 11/10 9/21 12/28 12/14 11/3 12/7 10/12
11/18/38	THE SHINING HOUR GANG BULLETS THANKS FOR THE MEMORY LAW WEST OF TOMBSTONE SANTA FE STAMPEDE SHARPSHOOTERS COWBOY AND THE LADY ANGELS WITH DIRTY FACES	E. B. Derr J. Manckiewicz Cliff Reid Wm. Berke Sol Wurtzel Sam Goldwyn Sam Bischoff	MGM Mono Par RKO 20th 20th WB	Rom-Com Meller Rom-Com Rom-Com Western Western Action Rom-Com Drama	J. Crawford-B. Young A. Nagel-R. Kent B. Hope-S. Ross-Butlerworth H. Carey-T. Holt-E. Brent J. Wayne-E. Corrigan B. Donlevy-L. Bari G. Cooper-L. Oberon J. Cagney-P. O'Brien	Frank Borzage Lambert Hillyer G. Archambaud Glenn Tryon Geo. Sherman Jos. Santell Michael Curtiz	73 68 72 73 63 63 67	11/16 12/28 11/9 11/30 9/21 11/9 10/26
11/25/38	BLONDIE OUT WEST WITH HARDYS LITTLE TENDERFOOT SAY IT IN FRENCH ARREST BULLDOG DRUMMOND COME ON, RANGERS ORPHANS OF THE STREET PECK'S BAD BOY WITH CIRCUS SUEMARINE PATROL LITTLE TIGHT GUYS IN SOCIETY NANCY DREW, DETECTIVE	Robert Sparks Lou Ostrow Ed Finney Andrew Stone Stuart Walker Chas. E. Ford Herman Schlom Sol Lesser Gene Markey Max Golden Bryan Foy	Col MGM Mono Par Par Par EKO EKO 20th U WB	Comedy Com-Com Western Comedy Comedy Western Western Rom-Com Drama Drama Meller	F. Singleton-A. Lake M. Rooney-L. Stone-C. Parker T. Ritter-J. Falkenberg K. Milland-O. Bradna J. Stewart R. Rogers-M. Hart T. Ryan-R. Livingston T. Kelly-A. Gillis R. Greene-N. E. Byrd-Bancroft M. Boland-E. E. Horton B. Granville-J. Lital	Frank Strayer G. B. Seitz Al Herman Andrew Stone Jos. Santell Joe Kane John H. Auer Edw. F. Cline John N. E. Byrd-Bancroft Erle Kenton Wm. Clemens	67 84 70 60 66 56 68 68 76 70	11/2 11/23 11/23 11/30 11/23 11/23 11/23 11/23 11/23 11/23
12/2/38	FLIRTING WITH FATE LITTLE ORPHAN ANNIE WESTERN JAMBORREE ROAD DEMON STRANGE FACES	David Loew John Speaks Harry Grey Sol Wurtzel Bert Kelly	MGM Par Par 20th U	Comedy Comedy Western Western Com-Dr	J. E. Brown-L. Carrille-S. Dunn A. Gillis-R. Kent-J. Travis G. Aubrey-S. Burnette E. Arthur-J. Valerie D. Kent-F. Jenks	F. MacDonald Ben Holmes Ralph Staub Otto Brower Earl Taggart	70 71 57 70 66	12/14 11/30 12/14 12/14 12/7
12/9/38	RIO GRANDE ROUNDUP DRAMATIC SCHOOL I AM A CRIMINAL RIDE A CROOKED MILE NEXT TIME I MARRY UP THE RIVER SECRETS OF A NURSE HEART OF THE NORTH	Irving Briskin Mervyn LeRoy E. B. Derr Jeff Lazarus Cliff Reid Sol Wurtzel Bert Kelly Bryan Foy	Col M-G Mono Par Par 20th U WB	Western Rom-Dr Meller Rom-Dr Meller Drama Drama Meller	C. Starrett-A. Deran L. Rainer-A. Marshal J. Carroll-M. Kornman A. Tamiroff-F. Farmer L. L. Ellis-H. Hargman T. Martin-P. Brooks E. Lowe-H. Mack D. Foran-G. Page	Sam Nelson R. Sinclair Wm. Nigh Alfred E. Green Garson Kanin Alfred Werker Arthur Lubin Lewis Selzer	78 73 70 69 75 78 68 74	12/7 12/7 12/7 12/7 11/9 11/10 12/14
12/16/38	STRANGE CASE OF DR. MEAD CALIFORNIA FRONTIER A CHRISTMAS CAROL THE FRONTIERSMEN DOWN ON THE FARM PIRATES OF THE SKY SWING, SISTERS, SWING GHOST TOWN RIDERS COMET OVER BROADWAY	Col Monroe Shaff Joe Manckiewicz Harry Sherman Sol Wurtzel B. Sarecky Bert Kelly Drem Carr Bryan Foy	Col M-G M-G Par 20th U U WB	Drama Com-Com Rom-Fan Western Comedy Action Musical Western Drama	J. Holt-B. Roberts-N. Beery B. Jones-C. Bailey E. Owen-T. Kiburn W. Boyd-G. Hayes-E. Venable J. Prentz-S. Bryington K. Taylor-R. Hudson K. Murray-R. Kane Bob Baker K. Francis-J. Lital	Lewis D. Collins Elmer Clifton E. L. Marin Les Selander Mal St. Clair Joe McDonough Joseph Santell Geo. Wagner Busby Berkeley	55 74 68 78 69 63 65	12/14 12/14 12/14 12/14 10/12 12/21
12/2/38	THERE'S THAT WOMAN AGAIN AWAKENING OF KATRINA WILD HORSE CANYON TOM SAWYER, DETECTIVE FIGHTING THOROUGHBREDS SHINE ON, HARVEST MOON THANKS FOR EVERYTHING TRADE WINDS NEWSBOY'S HOME THE DAWN PATROL	B. B. Kahane Harry Rapf Robt. Tansey E. T. Lowe Armand Schaefer C. E. Ford H. J. Brown Walter Wanger Ken Goldsmith Robert Lord	Col M-G Mono Par Par 20th 20th U U WB	Rom-Dr Drama Western Rom-Dr Rom-Dr Western Musical Rom-Dr Drama Drama	M. Douglas-V. Bruce F. Gaal-Tone-W. Connolly Jack Ralston D. O'Connor-B. Cook E. Byrd-M. Carlisle R. Rogers-M. Hart A. Menjou-J. Oakie F. March-J. Bennett J. Cooper-W. Barrie E. Flynn-B. Rathbone	Al Hall Norman Taurag Robert Hill Louis King Sidney Salkow Joe Kane Wm. A. Seiter Ray Garrett Harold Young Edm'd Goulding	70 64 55 53 70 95 103	12/7 12/7 12/7 12/7 12/7 12/14
12/30/38	SMASHING THE SPY KING CLIMBING HIGH SWEETHEARTS TOUGH PATROL SKY PIRATE ARTISTS AND MODELS ABROAD THE GREAT MAN VOTES KENTUCKY KID DUKE OF WEST POINT GOING PLACES	Irving Briskin GB Hunt Stromberg Lindsey Parsons Paul Malvern A. Hornblow, Jr. Cliff Reid Gene Markey Edw. Small Barney Glazer	Col GB M-G Mono Mono Par EKO 20th UA WB	Meller Comedy Musical Meller Action Musical Comedy Rom-Dr Rom-Com Musical	F. Wray-K. Bellamy J. Mathews-M. Redgrave J. MacDonald-N. Eddy F. Darro-J. Allen J. Trent-M. Reynolds J. Benny-J. Bennett J. Barrymore-F. Holden L. Young-J. Garfield L. Hayward-J. Fontaine D. Powell-A. Louise	Christy Cabanne Carol Reed W. S. Van Dyke H. Bretherton Paul Malvern Mitchell Leisen Garson Kanin David Butler Al Green Ray Enright	63 129 96 90 95 90 107	12/21 12/21 12/21 12/21 11/2 12/21 12/21 12/21
1/6/39	NORTH OF SHANGHAI STAND UP AND FIGHT PYGMALION KING OF CHIN TOWN PACIFIC LINER WHILE NEW YORK SLEEPS LAST WARNING DEVIL'S ISLAND	W. MacDonald Mervyn LeRoy Gabriel Pascal Stuart Walker Robert Sisk Sol Wurtzel Irving Starr Bryan Foy	Col M-G M-G Par EKO 20th WB WB	Drama Rom-Dr Comedy Comedy Drama Melodrama Mystery Melodrama	B. Furness-J. Craig R. Taylor-F. Rice-Beery L. Howard-W. Miller A. M. Wong-Tamiroff-Nash V. McLagen-C. Morris-W. Barrie M. Whalen-J. Rogers P. Foster-F. Robinson B. Karloff-N. Harrigan C. Starrett-L. Meredith D. O'Keefe-C. Parker C. Colbert-H. Marshall A. Shirley-E. Daniel A. Faye-C. Farrell B. Karloff-B. Lugosi J. Garfield-C. Rains	D. R. Lederman W. S. Van Dyke Nick Grinde Les Landers H.B. Humberstone Al Rogell Wm. Clemens Sam Nelson Edw. Sedgwick Geo. Cukor P. J. Wolfson Roy Del Ruth Rowland V. Lee Busby Berkeley	96 76 61 62	9/7 12/28 12/21 12/7
1/13/39	THE THUNDERING WEST BURN 'EM UP O'CONNOR ZAZA THE PURE IN MIND TAIL SPIN SON OF FRANKENSTEIN THEY MADE ME A CRIMINAL	Irving Briskin Harry Rapf Albert Lewin P. J. Wolfson Harry J. Brown Rowland V. Lee Ben Glazer	Col M-G Par EKO EKO 20th U WB	Western Rom-Com Rom-Com Drama Rom-Com Melodrama Drama	C. Starrett-L. Meredith D. O'Keefe-C. Parker C. Colbert-H. Marshall A. Shirley-E. Daniel A. Faye-C. Farrell B. Karloff-B. Lugosi J. Garfield-C. Rains	Sam Nelson Edw. Sedgwick Geo. Cukor P. J. Wolfson Roy Del Ruth Rowland V. Lee Busby Berkeley	72 72 72 72 72 72 72	12/21 12/21 12/21 12/21 12/21 12/21 12/21
1/20/39	FRONTIERS OF '49 IDIOT'S DELIGHT DISBARRED AMBUSH FISHERMAN'S WHARF CHARLIE CHAN IN HONOLULU GAMBLING SHIP OFF THE RECORD	Col Hunt Stromberg Stuart Walker Wm. Wright Sol Lesser John Stone Irving Starr Sam Bischoff	Col M-G Par Par EKO 20th U WB	Western Com-Dr Meller Rom-Dr Comedy Mystery Drama Comedy	B. Elliott-L. De Alcaniz Shearer-Gable G. Patrick-O. Kruger G. Swarthout-L. Nolan B. Breen-O. Carrille S. Toler-P. Brooks B. Wilcox-H. Mack P. O'Brien-J. Blondell	Sam Levering Clarence Brown Robert Florey Kurt Neumann Bernard Voris H.B. Humberstone Aubrey H. Scotto James Flood	69 76 61 62	12/21 12/21 12/21 12/21

EXPLOITATION

Pay-as-You-Leave Clicks

Philadelphia.

Pay-as-you-leave-it-like-it basis on which Harry Fried played 'Man to Remember' at his Suburban last week proved highly successful. Although not everyone stepped up to the b.o. on the way out, enough people did to give him a better than average Tuesday, despite the fact that it was pre-Xmas week.

Fried tried the stunt because the RKO pic was getting swell word-of-mouth wherever it was playing, but never did any business at any of the spots. He figured—and apparently rightly—that in such a case they'd be more willing to pay on the way out than the way in.

Par's 'Streamlined' Press Books

Bob Gillham's advertising department has turned out the first of Paramount's new simplified press-books, recently announced as 'streamlined for service.' The first one—on 'Artists and Models Abroad'—can be read without clearing off the top of a desk. It's 12x15, 38 pages, including the covers, with no color work. Gillham describes it as a 'down to earth sales manual,' and that seems to be just about what it is—with synopsis, cast, credits, sales slants and out on the front page, with 10 pages devoted to exploitation, 11 to ad layouts, seven to mats and six to accessories.

The idea is practical. Frills are completely lacking. It may take time, though, to convince some exhibitors that a pressbook without half an acre of art work means it's a 'B' picture.

Wollaston Shoots Works

Harrisburg, Pa.

E. G. Wollaston of the Victoria put over a three-way street ballyhoo, radio and newspaper campaign on 'Smashing the Spy Ring' (Col). Ten newsboys gave away 3,000 tabloid newspapers downtown opening day. This was followed by a Boys' Club parade with band. Advance campaign included posting 40x80 in. enlargement of J. Edgar Hoover in front of theatre with tieup copy; free flagger prints in theatre lobby; 2,000 two-pound bags with tie-in copy from Murphy's store; 85 silk badges worn by Woolworth girls; two girls talking telephone subscribers advising them to see picture; Harrisburg

News Co. trucks carrying copy with Ace mag.

On the radio Ed Rosenbaum, Columbia exploiter, was interviewed on WJZ's 'Little Brown Book' program; a contest with ticket prizes on John Kronhite's WHP program; daily spot announcements on WKBO with special plug on Paul Walker's WKBO quiz program.

Coach-Railroad Race

A 45-mile race between one of the original Baltimore & Ohio locomotives and an old stagecoach is scheduled for today (Wednesday) starting at Cumberland, Md. The highway parallels the railroad. There will be three changes of horses. Billy Ferguson cooked up the stunt as a tieup for M-G's 'Stand Up and Fight,' based on the early history of the B. & O.

The Chamber of Commerce at Cumberland and civic bodies paid for the stunt, the B. & O. furnished the equipment and helped in the distribution of 500 cards in stations and elsewhere. Newspapers in the region have given plenty of space, and the newsreels have cooperated.

Here's a New One!

St. Louis.

Here's a new one—publicity like-simile by air.

It didn't reach many people—there are only 30 receive-a-sets in homes—but it was an idea. Stores and brokerage offices, hotels and other spots are getting interested.

Les Kaufman of Fanchon & Marco looked over the first Post-Dispatch nine-page newspaper sent out over station WQXZ and decided it needed film news and photographs. He hot-footed it around to the Post-Dispatch with a still from 'Ride a Crooked Mile' (Par) which was slated to open at the Ambassador and landed a full page in the Dec. 8 issue of the first air paper.

Looks like a new field in the offing for film exploitation.

College Boys Aid Stunt

Atlanta.

Theatre managers whose houses are near colleges or high schools with fraternities can use stunt worked by Hudson Edwards, manager of Lucas & Jenkins' Fox, in connection with 'Brother Rat.'

Fox is practically around corner from Georgia Tech and Edwards invited frat boys to build, in booths,

their ideas of what the living quarters of a college man should—or does—look like.

Collegians had some novel ideas and their efforts drew more than-passing interest. Cost of stunt is measured by the best prices a manager can get for three loving cups—silver or otherwise.

A good-sized lobby is required.

Reaches Football Crowd

Dallas.

Fred McFadden, publicity man for the Texas theatre, topped his 'Cowboy and the Lady' (UA) campaign by using the Hield and Park loud-speaker system between halves of the Highland Park - Gainesville championship football game to plug the film. Idea was to make for other sports and big gatherings. Entire receipts of the Interstate and Consolidated theatres were for relief.

KRLD used five daily plugs starting six days in advance; KRLD (Times Herald-Columbia) used a transcription Tuesday and Friday morning, and WFAA daily News-NBC used four daily plugs starting three days in advance and carrying over Sunday afternoon.

Theatres—Exchanges

L. E. Cord, Murray, Ky., has let contract for new house.

Kerasotas Bros., Springfield, Ill., purchased site in Peoria, Ill., for new \$80,000, 1,000-seater to augment the Beverly in the same town.

Ansell Bros., who recently obtained a new lease on Empress, St. Louis, reopened here after remodeling.

About \$25,000 will be spent remodeling the Capitol, Waterloo, Ia. Mort Slinger will modernize the Iowa, Waterloo, Ia., at estimated cost of \$15,000.

National Theatre Supply Co., St. Louis, will furnish equipment for a 400-seater in Jamaica, Ill., and a 650-seater in Quincy, Ill.

Malco Theatres has started a new house in Jonesboro.

Charles McLaughlin & Son, Paducah, Ky., have been awarded contract for new theatre at Murray, Ky., for L. E. Cord.

Fred Wehrenberg has taken over Southway and Lemay, South St. Louis. Leo Lau, Jr., is interested in both.

P. Moody, Mountain Grove, Mo., to rebuild Cameo, recently damaged by fire.

Commonwealth Amusement Co., Columbia, Mo., headed by Mayor Rex Barrett, is making alterations.

Riverview Theatre Corp. will erect \$90,000, 1,000-seater in northern part of St. Louis. Fred J. Brinkmeyer represents corporation.

North Side Theatre Co. has awarded contract to Sol Abrams & Son, Construction Co. for \$25,000 house on outskirts of St. Louis.

Philadelphia.

Allen Lewis, manager of the Dante Theatre, was named 'Star' (prez) of the Showmen's Club here at last week's election. Others chosen were Charles Beiler, 'Starry' (v.p.), Frank Hammerman, 'Yes Man' (secretary); Jack Little, financial secretary; Dave Yaffe, counselor, and Mike Felt, Larry Mackey, Ray O'Rourke, and Bill Porter, members of the board of producers (directors).

Stonhurst, shuttered several weeks for alterations, reopened. Owner is Charles Kiang.

WB Nixon, West Philadelphia, dark since early summer, reopened.

New Orleans.

Gaity, one of oldest tapers in continuous operation, will celebrate silver jubilee Jan. 15, when newly-remodeled house is opened. The theatre opened in 1913 by Joseph Conville, has been operated by Nick Evola and Frank Ruffino since 1934. During most of its history the subsequent run Gaity has changed programs daily and has charged 10-15c. Seats 850.

San Francisco.

George N. Montgomery, special rep. of Grand National Pictures, has taken over management of the local exchange, replacing H. Bradley Fish, resigned. Montgomery was for years owner of the All-Star Features exchange in Los Angeles.

Detroit.

Dave Martin and Ted Hathaway, ex-Michigan theatre here, named managers of hanagers of Southern California, operated by Fox West Coast theatres. Martin now piloting the Paramount, Hollywood.

Schenectady, N. Y.

Joseph Shure, manager of State, Schenectady, shifted to Albany office of Fabian circuit as chief booker for its upstate links. Guy A. Graves his successor at State.

Los Angeles.

Kurt Laemmle bought the Gsell theatre, Eagle Rock, and will operate it along with his recent purchase, the Franklin.

B'way Legit O'Kay

(Continued from page 1)

noon, 'Sing Out the News' and 'Kaiser's New Holiday.' Revival of 'Blossom Time' lists four matinees, but is not rated for important coin, having a pop scale and bargain tickets.

9 Shows for Straight Plays

Nearly all the straight plays are holding to nine performance schedule, exceptions being 'Kiss the Boys Goodbye,' which has four matinees, and will hit a new high, also 'Outward Bound.' Because of its juvenile drive, 'What a Life' is playing every afternoon but has been cut-rated for some time. Standouts like 'Abe Lincoln,' the dramatic leader, and 'Oscar Wilde' are playing one extra performance. Newcomers arriving during the week are playing regulation performance, and mostly using usual scales for the Eve.

'Hamlet,' in full length version, is the only success which will not play an added performance during the holiday week. Because of its running time, more than six times weekly is hardly possible. Scale for the Eve showing will be \$4.40 top.

Just Fair in N. Y.

The three-day Xmas weekend downtown augurs mildly for New Year's biz in New York, chiefly because of the Sunday curfew hour of no music after 3 a. m. Reservations are coming in all over in a pretty good ratio, and quite favorably comparable to the dawn of '38, but the anticipated last-night rush in the laps of chance. The hope is that, as last year, when a spot like the Paradise was taking Eve reservations from 9 a. m. on, Dec. 31, the same thing will occur this 31st.

The 3 a. m. curfew for drinking isn't as much a worry as is the dancipation, because once the music stops the tempo in the joints must subside. It's all been figured out, of course, that lockers for storage of beverages, advance orders for buckets of wine, the 'bottle club' gag (as done in London) and other little wrinkles could well get around the law against selling after 3 a. m. But the music thing is something else again.

Chief bugaboo, of course, when the joint talk about 'fixing' things with the local precincts is not what the civil authorities might do, but what the Alcoholic Beverage Control board could do, if it chose to get technical. Revocation or suspension of liquor licenses is the prime bogeyman to the boys, if ever tempted to get out of bounds.

To the many gadgets used as biz getters on New Year's Eve, the Tower hotel, in Brooklyn, has scheduled a filming of its entire shindig. The takes will be screened later by request. The recorded antics of its patrons will be projected and subsequent nights when the requests total 10 or more customers.

Coast Looks Big

Los Angeles, Dec. 27.

On the ragged edge for the past few months for reasons undetermined, night club biz is due for a brisk spurt over the holiday weekend and operators have stocked up for the three-day killing, hoping to wipe out some of the accrued deficit. What happens after that is more apprehensive than conjectural. Come what may, the entrepreneurs will see the New Year in with tongues in check.

Tariff for the big night is slightly off bumper years. Highest tap is \$12.50 a head which Earl Carroll is getting for his new spot, Coconut Grove, Trocadero, Biltmore Bowl, Victor Hugo and Beverly Wilshire have scaled the bite down to a 10-sp. In former years the taps go as high as \$15 for a night of revelry in their grottoes. Most of the lesser and smaller sites are asking \$5 and \$7.50.

Checkup of the first string niteries indicates little lack of enthusiasm among the celebrants. New Year's in former years has it looked like such a cinch sellout. The big night, coming as it does with two days of grace to get back in shape for the job, insures a heavy turnout. On top of that there'll be thousands of out-of-towners found in the Rose Bowl game in Pasadena which will be fought out on Monday. And if any other incentive is needed there'll be a goodly mob of spenders in from the east for the Santa Anita race meet, which gets going Dec. 31 for three months of fancy stepping.

Most of the night spots will try to hang on for a few months to cut it on the biz attracted by the Frisco fair, which is unveiled Feb. 12. Locals are pretty generally agreed that

visitors to the expo up north will pause longer and spend more in these precincts than in the vicinity of Treasure Island.

Philly in a Spot

Philadelphia, Dec. 27.

What's going to happen New Year's eve, with Pennsy's strict Sunday laws prohibiting sale of liquor after midnight on Saturdays, is the big problem currently annoying Philly niter operators.

Couple of the late spot owners asked Mayor Wilson and the Liquor Control Board for opinions on the matter last week, which the majority of other operators feel was a tactical error. On the spot, because the Saturday shuttling hour is actually part of the law, not merely a police regulation, officials had no choice but to issue statements that New Year's eve must not differ from other Saturday nights.

It is the general opinion that had no questions been asked, everyone could have gone quietly ahead and remained open as late as he chose without official cognizance being taken.

With the nitery season here this year the worst since repeal, spots are highly dependent on what they do New Year's eve. Reservations to date are below past years, although taps are approximately the same. Arcadia - International and Jack Lynch's are demanding \$7.50 per person cover charge, which includes supper, while Benny the Bum's levy is \$6. Most of the smaller spots are asking \$3 to \$5 fees.

Mpls. Leblange Rates

Minneapolis, Dec. 27.

Taking cognizance of slack times and tightened purses, local night clubs have reduced their New Year's eve prices. Despite drop, however, advance reservations are considerably off from past few years. Hotel Nicollet Minnesota Terrace, Twin City class spot, is charging \$6 per person, including dinner and music by Joe Reichman's orchestra. Last year the tariff was \$7, but a pint of imported champagne was tossed in. The same hotel's grand ballroom advertises a \$4 dinner and entertainment by Red Nichols.

Other of the class spots have minimums ranging from \$1 to \$5. Vast majority of niteries are advertising no cover charge or minimum. Only stage shows in town New Year's eve are Ethel Barrymore in 'White Oaks' at the Lyceum and 'Pop vaudeville' at the Palace. The Orpheum is entirely without stage entertainment.

D. C. Annapolis Woes Balto Biz

Baltimore, Dec. 27.

Plenty of squawking here by local showmen about effect of Sunday closing laws on New Year's Eve festivities. Because of Saturday night curfew for theatres at midnight and niteries at 2 a. m. year-end whoops will have to take an early powder unless Police Commissioner Robt. Stanton softens up on present attitude. Requests of theatres for permission to run midnight shows have been turned down with positive assertion that niteries will also have to adhere strictly to year-end whoops.

Newspapers have gone to town in an effort to liberalize edict against theatres pointing out incongruity of non-drinking, non-stepping revelers with a half a buck to invest in New Year celebration, being shunted off to bed, while gayer elements of freer spending propensities getting a two-pound edge for more hectic doing.

Nearby towns, particularly Washington and Annapolis, advertising for local trade and pointing out their advantages for stayouts and local amusement peddlers are doing a considerable burn.

Symphony in Discord

Los Angeles, Dec. 27.

Suit to recover two musical shorts was filed by I. M. Nobel in superior court against Symphonic Films, Inc., Frederick B. Egan, Edward Pavaro, Egon Brecher and the William Laboratory.

Pictures, 'Beethoven's Concerto' and part two of 'The Unfinished Symphony' are in possession of the Williams lab.

Install A.P.W. Onlinow Towels and Tissue COMPLETE WASHROOM SERVICE

New York Theatres



7th Av. & 50th St. HELD OVER
ROXY 'Kentucky'
ALL 25¢ to 50¢ 1 P.M.
—On the Stage—
New Stage Show

HELD OVER PERSON
PARAMOUNT SQUARE
Jack Benny GLEN GRAY
Joan Bennett his
'ARTISTS and MODELS ABROAD'
Extra Attraction
Andrews Sisters

RADIO CITY **MUSIC HALL**
"TOPPER
TAKES A TRIP"
Spectacular Stage Productions

THREE SO. **LOVE'S STINT** Starts Thursday
"THE YOUNG IN HEART"
TODAY ONLY
"OUT WEST
HARDYS"
In Person
PAUL WHITEMAN
and
RED RYAN
and
VAUDEVILLE

"WAY'S BIGGEST HOLIDAY SHOW!"
DAVE PATROL
ERROL FLYNN
ABE LYMAN
25¢ to 50¢
STRAID

IN M-G-M'S
TECHNICOLOR
MUSICAL
Jeanette MacDonald - NELSON EDDY
in Victor Herbert's
"SWEETHEARTS"

Capitol
Broadway & 81st Street
Jeanette MacDonald - NELSON EDDY
in Victor Herbert's
"SWEETHEARTS"

Astor
25¢ to 50¢ in all
cinemas and shows
every night
B'way and 48th St.
Continued Performances, Popular Prices
LESLIE HOWARD in Bernard Shaw's
PYGMALION
An M-G-M Hit

VICTORY TAKES SPACE

Hollywood, Dec. 27.

Victory Pictures, headed by Sam Katzman, leased space at Progressive studios for interiors on the Tim McCoy starer, 'Code of the Cactus.'

U.S.A. OUT-TALKS DICTATORS

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Charity Promotion Won't Give 15% to Actors; Much Telegraphing Fails to Get Rule Relaxed

San Francisco, Dec. 27.

Because a cut of 15% of the receipts of the New Year's Shrine East-West charity football game was demanded by the Theatre Authority if any gratis appearances were made by professional entertainers at the free annual pre-game rally in the War Memorial Opera House last Thursday night (22), guest performers were limited to members of the local musicians' union. Several entertainers, including Sally Rand, now at the Music Box; Beverly Bemis from the Bal Tabarin, comedienne Leo Cleary and Ken Gilum, singer-pianist Judy Day, the Mexican comedienne and singer, Consuelo Gonzales, and John Wolfe and Clarence Hayes, song and patter duo, all of the KPO and KGO staff, had "volunteered" their services for the rally.

AFRA Request

Vic Connors, secretary of the local chapter of the American Federation of Radio Artists, contacted execs of Theatre Authority in Hollywood for permission for the gratis appearances and was advised that because Los Angeles Shriners had failed to fulfill a contract entered into with Theatre Authority last year, no cuto entertainment would be permitted at the local rally. An appeal was made to Lawrence Tibbett, president of the American Guild of Musical Artists, for a special concession in this instance, but he apparently refused permission unless 15% of the proceeds from the game were turned over to Theatre Authority. Since that would represent some \$15,000 or more, the deal was nixed by the Shriners.

Musicians' union, Local No. 6, however, gave its members permission to participate in the rally without fee. Rex and Von Callion, guitarists of KPO and KGO, and Earl Teasdale's group of cowboy musicians appeared.

Shrine and civic biggies, coaches and members of both the East and the West teams, and Shrine vocal and instrumental units participated in the three-hour rally, the first hour of which was aired locally over KVA, the second over KGO, and the final portion over the NBC-Blue web on the Coast. Manager Lloyd E. Yoder, of KGO and KPO, was chairman in charge of the rally.

Grid battle (2) at Kezar Stadium here will be described by sportscaster Doug Montell over a coast-to-coast Mutual network of stations with the Associated Press Division of the Tide Water Associated Oil Company bankrolling the broadcast over the Mutual-Don Lee chain on the Coast, including 30 stations.

Toronto Star's Cuff Show

Toronto, Dec. 27.

Curious anomaly whereby the Toronto Star tossed out its daily radio column and all publicity regarding programs, artists, etc., and then sought the aid of radio to bolster its Santa Claus Fund in aid of the city's destitute children, was evident here when radio talent answered the newspaper's SOS and netted nearly \$7,000 in a broadcast appeal.

Three orchestras of Percy Faith, Carroll Lucas and Horace Lapp, totalling 84 men, were permitted by the Toronto Musical Protective Association to give their services free. Their total payroll for the night would have been \$3,783. CBL, CKCL and CBY, Toronto, collected their line charges for Ontario coverage.

Casual

Star was Orson Welles who flew from New York to Toronto to appear on the broadcast because he is a pal of Sidney Freilich, New York correspondent for the paper. En route to the 1,200-seater Eaton Auditorium, also donated, Welles bought a 98c copy of Shakespeare, ripped out Richard III, and pasted up some of the excerpts before stepping cold to the mike.

Other highlight was the presence of Dr. Allan Roy Dafeo, physician to the Dionne Quins who was interviewed. Two of Deanna Durbin's dresses were auctioned; ditto two dolls autographed by Dr. Dafeo and 60 photographs of the Dionne Quins. Talent included Sir

lian, conductor of the Toronto Symphony, who played a couple of organ numbers; Ernest Seitz, who played his own 'World Is Waiting for the Sunrise' to the symphonic background arranged by Percy Faith; the Hamburg Trio; Scott Malcolm and Reginald Godden, two-piano team; the Aeolian Quartet; Frances James, Louise King, Jean Haig, Frosia Gregorash, sopranos; Jimmie Shields, Dave Davies, Todd Russell, tenors; the Northern Quartet; the Rhythmettes; the Swing Sing Trio; the Ragamuffins.

Last Star fund broadcast, with Toronto-born Mary Pickford in as guest-star, netted \$6,600.

DROP-OUT TIME FOR FURNITURE AND FURS

Independent transmitters in New York are currently experiencing their annual cessation of commercials during Christmas week. Suspensions apply only to the product of certain sponsors which don't sell during the holidays. The no broadcasting period is written into the time contracts and begins a week prior to Yuletide and ends as a rule on Jan. 1.

Two heaviest eliminators of time this year are furniture and fur dispensers. Reason for cancellations by the former is apparent, few buy furniture at this time of year, but the thought behind dropping fur plugs is vague. All indies are concerned with time lost ranging from two and a half hours daily on WNEB to a smaller loss on others such as WEVD, WINS, etc.

Hedda Hopper for Prunes

Hollywood, Dec. 27.

Hedda Hopper will tell about Hollywood discoveries on a transcription series being produced by Lord and Thomas for the California prune industry.

Fred Runyon is writing the scripts. Platters are for eastern stations.

Charity Pressure Greatest at Xmas

10 'Worthy' Orgs Presented Problem in Philly— Health Council's Showmanship

Philadelphia, Dec. 27.

Philly outlets are heaving sighs of relief now that Christmas is over, for they've just passed through one of the heaviest cuto time-begging grabs in local radio history. No less than 10 organizations, all of them worthy, were asking for time. Station managers, appreciative of the good causes and the ill-will that can be engendered if one group gets time and another doesn't, tried hard to give them all a break. Included were Salvation Army, YMCA, United Campaign, Red Cross, City Charter Committee, National Health Council and Associated Hospitals.

With commercials heavier due to Xmas, the cuto spots made necessary even more extensive juggling of programs than ordinarily. WFIL partially solved the problem by giving a daily series tagged 'Design for Giving,' in which one charity was plugged each day and all the others were mentioned. Charity of the day was invited to have a rep give a short talk, and an eight-minute dramatization of its work was given.

Seals Speed Up

Practically all of the time-seekers

PROMOTE RADIO GAME

Withycomb, Stewart, Cormier Reported Pushing New Stand

Philadelphia, Dec. 27. Three former Philly radio execs are reported organizing a firm to market a new type of game to be played via radio and perhaps in theatres. Game would entail purchase of time by the new outfit.

Organizers are Don Withycomb, Jack Stewart, both formerly WFIL, and Al Cormier, formerly WIP.

Star-Loaded Already, Show Adds Colman

Hollywood, Dec. 27.

Newest addition to galaxy of film names on new Kellogg show is Ronald Colman, who for years has resisted commercial commitments to radio. Likely that he will emcee the colossal in addition to participating in the round table and dramatics. The Foursome, singers, were also signed last week.

Previously set on the program, which tees up Jan. 18, are Carole Lombard, Cary Grant, Lawrence Tibbett and the Marx brothers. Tony Stanford produces.

Hollywood, Dec. 27.

Lawrence Tibbett has been signed for Kellogg show.

Appears every Sunday until concert season when he'll take time out.

'David Harum' to Coast

For B. T. Babbitt Acct.

'David Harum' serial (B. T. Babbitt, Inc.) will get its first hearing in the San Francisco and Los Angeles areas by way of wax Jan. 8. It's an NBC release otherwise.

Blackett-Sample-Hummert is the agency.

Larry Nixon, the Expert

Larry Nixon, press agent of WNEW, N. Y., is a travel expert on the side. Had a book on tramp steamers published recently by Little Brown.

Now has a piece on 'The Advantages of Trailer Life' in the Old Farmer's Almanac of Boston.

WTAM Office Romance

Cleveland, Dec. 27.

Hal Metzger, program director of WTAM, was married Christmas Day in Sandusky, O., to Mildred Funnell.

She's secretary to Vernon Pribble, station manager.

Remodel CBS Playhouse in N. Y.

Need Bigger Stage for Super-Broadcasts of Ethyl and U. S. Tire—Takes 4th House

A New Combine?

Much speculation around New York during the past week by the report that a newly organized syndicate is preparing to take over the Farnsworth radio and television patents as well as the Capehart automatic disc machine patents. Report also had it that the syndicate was interested in taking over the manufacturing plant of the Household Utilities Corp. (Grunow).

Same report pointed to a person high in the official roster of RCA as slated to head up this new enterprise for the manufacture of combination machines and phonograph records.

Columbia has shut down its Playhouse No. 1 in West 45th street while its making some extensive alterations on the stage and acoustics setup. Job had primarily been instigated by the need for taking care of a couple of big cast shows which are slated to start on the network in the near future. Programs concerned, Ethyl and U. S. Tire, will use orchestra and choir combinations of from 70 to 100 persons.

Part of the theatre's stage is being ripped out so that the platform can be extended over what has been the first five rows of seats. Because of previous obligations CBS cannot assign either of these two newcomer programs to its largest studio-theatre, Playhouse No. 3. Columbia yesterday (Tuesday) leased a fourth ex-legit house for studio purposes. It's the Ambassador in West 49th street.

U. S. Tire show, with Hildegarde, Raymond Paige and a Lynn Murray choir, will be directed by Louis Dean, head of Campbell-Ewald's New York radio department. It debuts Feb. 22. Rather than get into any legal complications with Universal Pictures the program will not use the title, '100 Men and Hildegarde,' as originally intended. The producer had indicated that such permission would be extended upon the payment of \$1,000 for the year term but while CBS legalities were studying the document word came from Hollywood that the proposed deal was off. Universal's interest in the title stems from its own use of '100 Men and a Girl' in a production with Deanna Durbin and Leopold Stokowski.

ALL EQUAL BEFORE BAN

Detroit, Dec. 27.

Consensus among local stations is that they don't give much of a hoot whether three local dailies ever reinstate banned radio columns and publicity. Their other stuff was dropped by News, Times (Hearst) and Free Press last August.

Only radio dope now published by local sheets consists of listings, in agate, and an occasional promotion piece by News, which owns WWJ, and by the Times on its American Weekly dramatizations.

General idea among local stations is that they haven't lost any listeners (they hope) and that now all stations are on a par as far as publicity goes, with no station receiving special boosts because of tieups, promotional or otherwise. All stations, since demise of free blurbs, have been plugging own programs with several other shots daily, plus an occasional program review broadcast and trade ads in sheets.

Philly Town Meeting To Air Cuffo on WFIL

Philadelphia, Dec. 27.

WFIL, which has been toying for more than a year with the idea of airing a town meeting but has always been stymied by the problem of b.r.i.g. it, will finally start a weekly series from the Manufacturers' Club auditorium on Jan. 23. Tie-up has been made with a new group, Town Meeting, Inc., financed by several public spirits, which will handle the coin problem. WFIL will donate lines and time, while the Town Meeting group will take care of the auditorium and literature. Meetings will be patterned on the lines of NBC's.

NEW BRITAIN'S NEW FACES

New Britain, Conn., Dec. 27. Payroll of WNEB, now fulltime, NBC-Blue and with a new branch in Hartford, upped with hiring of William Williams, formerly in Massachusetts radio, as commercial attaché; Robert Sheridan, announcer; Truman Crane, WMA, Springfield, and Nelson Aiken, Wally start a w.c. on controls; Carleton Brown, formerly with Westinghouse, at transmitter, and Rebecca Leitzker in office. Larry Edwardson upped from sales staff to commercial manager.

Joan Crawford Gulf's 1st

Hollywood, Dec. 27.

Joan Crawford leads off as guest star on the first Hollywood Guild-Gulf show Jan. 8.

Tom Lewis produces for Young & Rubicam.

Bill Stern on Good News

While out on the Coast to air the Rose Bowl football game New Year's Day, Bill Stern, sports spieler on radio and newscasters, does two guest air shots. Stern leaves today (28) and will be on the Metro Good News show tomorrow (29) and the special NBC all star airing New Year's Day.

Announcer flies back-east Jan. 3.

Rose Marie given an additional NBC-Red spot on Wednesday nights at 8:30. Had been getting only one on Mondays.

AFRA Not Answering LaRoche

Developments in the actors union attempt to gain recognition in commercial broadcasting were as follows last week:

(1) AFRA had individual meetings with B. B. D. & O. and Compton agencies.

(2) After deliberation Mrs. Emily Holt decided not to make a formal AFRA response to the points raised by Chester LaRoche as chairman of the radio committee of the advertising agencies. LaRoche's statement was made to VARIETY last week.

(3) Further meetings of AFRA and admen were in progress yesterday afternoon (Tuesday) with Eddie Cantor, president of AFRA, and Lawrence Tibbett of the Musical Guild, present. Agency arguments that they are merely the agents for the sponsors and are thus not authorized to sign any agreements covering wage scales or other working conditions were ridiculed by AFRA. While it is strictly true that the admen are merely agents for the sponsors, in actual practice it is the agency which hires and fires the performer, which sets the amount of pay and all other conditions of employment, AFRA officials state. It is common knowledge in the trade, they add, that certain agencies pay high, medium or low wages for broadcasters and that such terms have no connection with the identity of the sponsor. For all practical purposes, therefore, the agencies are the actual employers and any denial of the fact is merely the same old stall, AFRA asserts.

GUILD RALLY TO PONDER CBS, NBC

American Guild of Musical Artists last night (Tuesday) held a general membership meeting at the Plaza hotel, New York, to rally support in its current battle with Columbia Concerts Corp. and NBC Artists Service, Lawrence Tibbett, president, was among those expected to address the session. Henry Jaffe, attorney for the organization, was scheduled to speak, but was suddenly called out of town on American Federation of Radio Artists affairs.

AGMA's annual meeting and election will be held next Wednesday (4) at the Plaza. With the exception of Margaret Speaks, who is nominated for third vice-president to succeed the late Alma Gluck, the ticket remains unchanged. Slated for reelection are Tibbett, president; Jascha Heifetz, first vice-pres; Richard Bonelli, second vice-pres; Frank Sheridan, fourth vice-pres; Daniel Harris, fifth vice-pres; Queensa Mario, recording secretary, and Frank La Forge, treasurer.

Slate of nominees for the board of governors includes Zlatko Balokovic, Mischa Elman, Elizabeth Hoepfel, Julius Huehn, Edwin Hughes, Jose Iturbi, Ernst Lert, Lauritz Melchior, James Melton, Ezio Pinza, Lawrence Pomer, Nino Ruzio (new), Ernest Schelling, George Standing, Armand Tokaty (new), Don Vorhees and Marek Windheim (new).

GHOSTLY VOICES SPONSORED ON CKLW

Detroit, Dec. 27.

Sam's Drug Stores is bankrolling a six-month series of weekly 'Voices of Yesterday' program over CKLW here. Highlights Thomas Edison recordings of notables' voices begun in 1889.

Also sponsoring weekly 'Crossword Puzzle of the Air,' ether version of parlor game, with puzzles now being distributed sponsor's stores after phone company's inability to cope with flood of replies for weekly prizes.

WIP Claims Lotsa 'Firsts'

Philadelphia, Dec. 27.

With the innovation of 24-hour-a-day operation, WIP lays claim to another reason for tagging itself the 'Pioneer Voice.' Outlet, since its birth in 1922, has been responsible for a flock of firsts in the broadcasting industry. Among those it claims are:

First football game, Penn vs. Cornell, Franklin Field, 1922; first 'Uncle' type show for kids, 'Uncle WIP,' 1922; first complete opera, 'Aida,' from Metropolitan Opera House, Philly, 1923; first remote band broadcast, Charlie Kerr crew, from Cafe L'Aiglon, 1922; first woman's club of the air, WIP Homemakers, 1923; first television broadcast of one of its shows, Kiddies program from WIP auditorium, 1934.

WCAO'S FUTURE

Baltimore Station Long Clung to Set Philosophy

Baltimore, Dec. 27.

Considerable speculation and comment here as to possible successor to J. Thomas Lyons, managing director of WCAO, who died last week. Lyons, formerly advertising manager of the Baltimore Sun and publisher of the News-Post, was rated both locally and nationally as an ultra conservative in station operation and exploitation.

A consistent profit maker, WCAO is local CBS outlet. Policy heretofore depended on network income plus some interpolated local spot and time programs unaggressively sold. Feeling is that modernized set-up, and go-getter business getting operation could turn into one of nations top money makers.

Typical of previous station attitude was recent reply to VARIETY showmanship survey. Asked for its own estimate of its efforts in showmanship, station wrote, 'No special effort.' Lyons was a substantial stock holder in WCAO but not the controlling interest.

WPEN SOLIDLY CLOSED SHOP

Philadelphia, Dec. 27.

Most all-inclusive contract with any radio station in the East was made with WPEN by the Broadcast Division of the American Communications Association, CIO, on Saturday. It is a vertical agreement, taking in every employee in the station except the musicians, and even includes porters and telephone operators.

Pact was agreed to on Saturday and only has to be put in necessary legal language before inking, which will probably take place this week. It is for one year. Under it all employees but the panelmen, who already had a contract which expires in March, will get wage boosts of from 10 to 15%. It also grants a full-closed shop, hiring to take place through the Union, two weeks' vacation with pay, and sick leave.

Actually covered are 17 employees, plus the seven engineers. Only ones left out are Arthur Simon, g.m., and Gil Babbitt, p.m. Attending the confab were Miss Hyla Kiczales, operator of the outlet; Simon; David Solis-Cohen, WPEN's attorney; Dick Shipp, chairman of the WPEN shop committee; Sam Sabaroff, pres. of the ACA local, and Saul Waldbaum, ACA attorney.

ACA also has negotiations now under way for four engineers at WIBC, tiny suburban time-sharing outlet.

Gimbel in Conferences

Entire WIP gab and panel staff will confab with prez. Ben Gimbel this week in a new joint contract. Engineers already have a term, which expires at the end of the year. Spielers are entirely new to the union, Broadcast Division of the American Communications Association, CIO. They are prepared to demand wage increases of from 10 to 15% in their portion of the pact.

There are seven announcers and 13 knob-twiddlers.

John Edwards, KOIL, Omaha, news announcer, has joined CBS in New York in the news bureau.

BUCK-PASSING HABITS OF PAST CATCH FCC IN EMBARRASSMENT OF OWN MAKING

Religious Issue Now a Frankenstein—But One Letter Provoked 'Beyond Horizon' Probe and Press Alone Got West and Welles

Washington, Dec. 27.

Free speech rowing, direct outgrowth of the Father Coughlin and Judge Rutherford radio diatribes, led to an injunction to broadcasters last week that radio must not be misused, while the FCC continued to wonder what disposition to make of the hot potato. Repercussions in Congress are widely feared, with the industry liable to be trapped in no man's land and the target for opposing barrages.

First direct declaration of policy by a responsible industry spokesman was a sizzling blast from Neville Miller, president of the National Association of Broadcasters, which did not mention names but was pointed directly at Coughlin and Rutherford. No room in program schedules, he opined, for talks likely to stir up class, religious or racial enmity.

Politicians Scared

Although Miller was willing to take an open stand, the comish membership fretted about the embarrassing situation that will arise when the licenses of some of the stations who turned down Father Coughlin come up for renewal. In decided contrast to other performers, the regulators displayed no willingness to wade into the fight and added to the perplexity of station managers by dodging any public statements that might be construed as a declaration of policy. Only direct expression of views was a recent interview with the chairman Frank R. McIninch, who joined other prominent figures in slapping the oppressors of religion.

The predicament in which the comish finds itself results from indecision and vacillation in the past. Never having laid down a sufficiently precise guide for the industry, the regulators now confront the embarrassing duty of making a choice between courses which either way are bound to bring criticism. If the comish spans either the stations which closed their doors to the Detroit padre or allowed him to fume, the censorship cry is sure to rise. If it takes no action, critics will point to the torrent of denunciation which has been flowing for months. Reconciling freedom of speech, freedom of religion, and 'public interest, convenience, or necessity' with the anti-censorship clause of the statute looks like the most painful of the series of hard choices which have bedeviled the FCC in the past few months.

Do-Nothing Attitude

Do-nothing attitude of the FCC at present is unbecomingly unbusinesslike. While members in private conversations have been chatting about the religious broadcasts, as an official regulatory body they have taken no action on the numerous letters from listeners demanding one thing or another. Official explanation is that nothing has occurred which would require them to take steps or enact a set of principles. But this wasn't the case when the Mae West and Orson Welles programs caused a fuss, for Chairman McIninch immediately demanded a copy of the scripts as well as a recording solely on the basis of telegrams and newspaper accounts of listener panic. In the case of 'Beyond the Horizon' a single letter precipitated a probe. The view of the NAB head was unequivocally expressed. Outlining his concept of the responsibility of stations, Miller asserted that licensees are morally and legally obliged to deny their facilities to trouble-makers.

'Radio has become a new force of tremendous power and influence in our life. It must be used in the public interest and not subjected to irresponsible abuse,' Miller declared. 'The particular problem which we confront today is that of preserving the precious right of freedom of speech. However, the same Constitution which guaranteed us freedom of speech also guaranteed other rights, such as freedom of religion, and in protecting one right we must not violate other rights.'

The right of free speech is a right which extends to every American citizen. It is a right which broadcasters interpret as one requiring that equal opportunity be available

for the expression of honest divergence of opinion. But, in administering this responsibility, we must also be cognizant of the fact that radio by its very nature reaches all classes of our fellow citizens, regardless of race, religion or conviction, and that there is no obligation to broadcast a speech which plays on religious bigotry, which stirs up religious or racial prejudice or hatred. Such a speech is an abuse of the privilege of free speech and unworthy of American radio.'

Stations Quandary

In analyzing the situation, Miller pointed to the legal quandary of broadcasters. State courts have held that stations are guilty when their facilities are used to expound libelous and slanderous statements. Responsibility for accepting or denying programs lies upon licensees under the act as interpreted by the FCC.

Stations were subtly advised to demand copies of speeches which may contain dynamite before allowing spikers to go on the air. This policy, which WJMA, New York, tried to apply to Father Coughlin and several stations have unsuccessfully sought to follow in doing business with Judge Rutherford, is entirely legal, Miller said, and station owner 'is well within his rights to close his facilities to any speaker who refuses to submit it.' After opting a script, managers still can refuse to allow broadcasts which may result in 'religious prejudice and strife,' he added.

Promise of the NAB to come to the rescue of any owner who may get into trouble because of such programs was made by the industry. With the industry obligated to decide what is in the public interest, NAB 'will defend his right to discharge that responsibility,' Miller reassured.

One possible result of the recent fussing may not be wholly unpleasant for the industry. Hot debate over the vital issues presented in this situation unquestionably will help obtain amendments clarifying the 1934 Communications Act. As things stand, the industry has been battered so many ways because of the lack of specific expressions by Congress that the Rutherford-Coughlin blasts emphasize the need for a positive assertion and removal of conflicts and doubts which characterize the statute in its present form.

Detroit Sarcastic

Detroit, Dec. 27.

Following blast against 'religious bigotry' on radio by Neville Miller, NAB press, quoted Leo Fitzpatrick, manager of WJR which is outlet for Father Coughlin's addresses, as saying that he 'had not applied to Miller for a clarification of the association's stand in the controversy.'

Fitzpatrick, past president of the NAB, was not directly quoted since he informed the Free Press, morning sheet here, that he had no comment on Miller's address. Free Press, which was recently sued for \$2,000,000 libel by Father Coughlin, took jab at WJR with statement 'which, ironically enough, is known as the Good Will stand although it serves as outlet for Father Coughlin's broadcasts.'

Later in the week Father Coughlin declined NBC's invitation to debate on 'Americanism' with Dorothy Thompson, Gen. Hugh Johnson and Earl Browder, stating in part: 'NBC has already refused to sell me time (priest has own indie hookup) at regular commercial rates because it deemed my broadcasts controversial when I was discussing anti-communism. Therefore, I must refuse the kind offer, lest I be suspected of accepting a sop from NBC and its censorial commissars.'

'Perverted Minority'

Philadelphia, Dec. 27.

Whether the pickets have given it up as a futile job or it was just the Christmas holiday that kept them at home couldn't be ascertained, but fewer than 200 supporters of Father Coughlin appeared in front of WJMA on Sunday. This is the smallest number in the four weeks since the outlet banned the Detroit priest's ad-

resses until he supplies them with a script. There was a crowd of more than 4,000 around the station two weeks ago.

As in previous weeks, there was no disorder. Pickets carried placards urging spectators to 'boycott WJMA advertisers' and to 'Join the Christian Front' in a battle against 'the perverted minority against Father Coughlin.'

Rabbi Follows Coughlin

Buffalo, Dec. 27.

'Goodwill Between Christians and Jews' was the topic of an address by Rabbi Joseph L. Fink of Temple Beth Zion in a special WGR broadcast Sunday afternoon.

Talk was spotted to follow immediately after Father Coughlin's hour.

ANOTHER 10 YEAR SPONSOR

William Wrigley Co. has been on radio a full decade. Started on Dec. 25, 1928, over CBS and has spent:

1928.....	\$3,350
1929.....	43,650
1930.....	25,774
1931.....	121,304
1932.....	695,100
1933.....	619,519
1934.....	649,909
1935.....	795,718
1936.....	1,017,458
1937.....	1,241,054
*1938.....	1,241,705

* December figure estimated.

During this time talent has included Guy Lombardo, Myrt and Marge, Margaret Brainard, Connie Gates, Jerry Cooper, Football Forecasts, Lone Wolf Indian Tribe, March of Time, Jack Fulton, Carlton Kelsey Orch., Carl Hogenharts Orch., Andrew Sisters, Shaw and Les, Scattergood Baines, Billy House (Jesse Lasky show coming up).

Application blanks were made available during the past week at 8,000 theatres using RKO product in the talent-scouting stunt embraced in the 'Gateway to Hollywood' hookup effected between Jesse L. Lasky, William Wrigley and RKO.

The talent contest will be restricted to girls between the ages of 17 and 23 and men between 21 and 27. After filling out applications obtained from the theatres, contestants will be sent to Hollywood, together with photographs, to Hollywood.

Candidates will be selected for interviews in each of 24 regional cities and those chosen will appear at a key city on a given date where RKO talent scouts and a local committee will select semifinalists. Twenty-four boys and 24 girls chosen will later be reduced to nine couples, these to go to Hollywood for a broadcast over CBS sponsored by Wrigley. Two applicants each week will appear in dramatic skits over a 13-week period beginning Jan. 8 and the team selected as best by vote of radio listeners, plus the 'Lasky-Kohn Gateway' group, will be awarded RKO contracts at \$125 weekly for 20 out of the next 26 weeks to appear as featured players in an RKO picture.

Charles Vanda, CBS program director on the Coast, will put on the 13-week broadcast featuring an orchestra, guest Hollywood stars and the 'Gateway' contestants.

PAUL KAIN BECOMES STAFF BAND AT WJSV

Washington, Dec. 27.

Paul Kain's orchestra last week retained as staff band at WJSV, local CBS outlet. Managed by MCA, the organization is appearing for the winter season at the Wardman Park Hotel, country-clubbish tavern in the residential district, where the tuners were the added attraction last year.

Schedule still unsettled but the band will be aired several times weekly.

James Acuff, formerly manager of KEKKA, Greeley, Colo., is now with WAWM, Omaha, as commercial manager.

THE CRITICS HIT IT RIGHT ON

...*"Should reap healthy grosses. Sure-fire stuff for mass emotional appeal."*—Variety

From Variety's Box-Office Reports

**'TRADE WINDS'
PREEMS TO
BREEZY \$14,500,
PHILLY**

"Mighty powerful is 'Trade Winds' which world-preemed at Aldine, clicking off \$14,500 and assured of at least one more week."

WALTER WANGER
presents

FREDRIC JOAN
MARCH • BENNETT *in*

THE NOSE!

"Superlative entertainment. Cannot miss a high gross niche among early 1939 releases."—Box-Office

CHICAGO

.. Roosevelt

Smash opening earns second week hold-over from ace Christmas week right thru New Year! Jammed to capacity at every performance . . with continuous standees in lobbies and crowd overflowing to sidewalk!

DENVER . . . Denver City's outstanding holiday hit. Engagement extended in move-over to Aladdin!

MONTREAL.. Orpheum Shatters receipt marks of previous Christmas attractions . . and holds over, of course!



TRADE WINDS

with RALPH BELLAMY • ANN SOTHERN • Sidney Blackmer
Thomas Mitchell • Robert Elliot • A TAY GARNETT PRODUCTION

... and **RELEASED THRU UNITED ARTISTS**

U. S. A. Out-Talks The Dictators

(Continued from page 21)

tual hours, but also in showmanship and general effectiveness.

Remarkable aspect of the situation is that the U. S. has been engaged in international short-wave broadcasting on a large scale less than a year, while the foreign nations, notably Germany and Italy, have been carrying it on for several years. From all indications, U. S. supremacy in the field is likely to increase rather than decrease. For in short-wave radio as in so many other fields, American efficiency is the despair of foreign competitors.

Although both NBC and CBS are engaged in international short-wave broadcasting, NBC is much the more active of the two. It has four frequencies and broadcasts over W2XK and W2XAL, Bound Brook, N. J., piping the programs from its studios in Rockefeller Center, New York. CBS has six frequencies and transmits over W2XK, in Wayne Township, N. J., likewise piping from its New York studios.

Dates From Spring

After carrying on a comparatively small-scale program of international short-wave for several years, NBC launched its present ambitious policy last spring. Moveover, the result of a proposal in Congress that the U. S. Government set up its own station to go into short-wave competition with the Fascist countries, which were described as flooding South America with propaganda.

Although NBC's new policy didn't get actively into effect until last year, the company has advanced with such a rush that it already is way ahead of all the transmitters in both Germany and Italy combined in Spanish and Portuguese language programs to South America. At the present time NBC is getting about 20 times as much listener mail from both South America and Europe as it did last May and June. During November it received nearly 1,100 letters from South America and about 700 from Europe. It is spending about \$150,000 a year and employing 38 people for its international short-wave service.

112 Hours Weekly

NBC short-waves a total of 112 hours a week, beginning at 9 a. m. and continuing until 1 a. m. daily. First four hours daily are in English (from 2 to 6 p. m. London time), followed by one hour each of Italian, German and French language programs. Latter are heard in the evening hours in those countries. At 4 p. m. New York time the beam is turned toward South America and, with the exception of an hour in English from 10 to 11 p. m., the remaining nine hours is broadcast in Spanish and Portuguese.

With the completion next month of an improved directional transmitter, NBC will begin broadcasting seven additional hours daily in English, Italian, German and French to South America. Following their plan of trying to retain the loyalty of their people in foreign countries, Germany and Italy broadcast most of their programs to South America in their native language. Only NBC's German and Italian programs beamed to South America are expected to combat that policy.

Help RCA

Besides heading off the entry of the government into the broadcasting business, NBC's international short-wave programs serve as a sort of institutional advertising for RCA and its line of radio receivers and equipment. FCC regulations forbid direct use of commercialism on short-wave programs, so NBC cannot ballyhoo the RCA products. Still, the connection between the two companies is known throughout the world, so the short-wave service is figured a prestige-builder for the parent outfit. And since there is a profitable world market for radio transmission and reception equipment, RCA stands to profit, even if indirectly, through the short-wave service.

Initial four hours of broadcasting daily all of it intended for Great Britain, is in English and consists of straight news, educational stuff and features, novelties and various types of music. Italian, German and French hours all have a somewhat similar setup. Each opens with 15 minutes of straight news, with the remaining 45 minutes composed of music and educational stuff. Same goes for the regular Spanish and Portuguese sessions, except the final

two hours daily, which is all music with Spanish announcements.

No Editorializing

In all news broadcasts a strict rule is followed to avoid any sort of propagandizing or editorializing. Only the factual accounts of happenings are reported, each cut down to the absolute bone of actual news. That policy is not at all in line with the regular procedure of all U. S. radio reporting, but follows the fundamental theory of democratic government. What's more, the very absence of editorializing and bias is what makes the news convincing to foreign listeners. That is clearly demonstrated by letters from the Fascist countries as well as the democracies. In many cases listeners writing from the heavily propagandized Fascist countries comment favorably upon the objectivity of the news.

Only bit of news reporting that might be considered of propaganda nature is the speeches and statements of government officials or the quotations from leading newspapers or periodicals. In such cases the speeches, statements or articles are presented as factual news, without comment. However, a close check is kept of all German and Italian "news" broadcasts and the correct facts are invariably given to counteract their propaganda content.

Similarly, when news is of special interest to German or Italian listeners, particular point is made of short-waving it to those countries, which otherwise would know only what their dictator-controlled press and radio chose to tell them. Eagerness of the people in Germany and Italy to learn the actual truth of what's going on in the world and even in their own countries is amazing. And, as evidenced by the growing listener mail from those nations,

listeners to the U. S. news broadcasts are growing rapidly.

Doings of Hollywood and Broadway are favorite subjects for foreign dialers. Then there are informative talks on various phases of American life, descriptions of U. S. cities, lectures on the industries, habits, thoughts, art, history and personalities of this country. America is a subject of constant interest and wonder to foreigners. In the field of music, foreign listeners seem to prefer Negro spirituals and jazz—the two most characteristically American music forms. However, they also relish concert, opera and semi-classical stuff.

Types of Programs

Program material is divided into three types—live talent (mostly speakers, with a few singers and instrumentalists for the Latin American listeners), records (the usual jazz, etc.), and "D.B.'s" (delayed broadcasts). Latter consist of any programs which are waxed and aired at a later, more suitable time. In the case of musical events, etc., that may be because of the time differential. But in the case of speeches (Roosevelt's fireside chats, for instance), they are translated and recorded in the proper language, then broadcast by short-wave. Such statements as that of the President's peace appeal to Hitler at the time of the Czech crisis are broadcast over and over. Roosevelt is a popular figure abroad, particularly in the South American countries, where his "good neighbor" policy has struck a responsive chord.

Whether because the Mussolini government is more feared than the Hitler regime, is a question, but it is noticeable that the Italian letter-writers are not nearly as outspoken as those in Germany. However, one writer stated that he learned of Mussolini's projected trip to Munich to

confer with Hitler, Chamberlain and Daladier through the NBC broadcasts two hours before it was announced by the Italian press or radio.

Expensive Fan Mail

One way NBC draws letters from foreign listeners is by offering unusual issues of U. S. postage stamps. It obtains such stamps by purchasing large blocks of minor issues that are nearly exhausted. These stamps are used in mailing the replies to the writers, so there is no actual increase in cost for the come-on. All letters are answered.

Another mail-puller for the South American listeners is the reading of "unpublished" poems. Any worthwhile unpublished Spanish or Portuguese poems submitted by listeners are read over air. Stated by NBC officials that the quality of much of the poetry is surprisingly good. Notable fact in connection with the South American mail is the large quantity that is sent by air. Postage for air mailing a letter recently comes to as much as \$1.50, it is explained, yet a large percentage of listeners send their letters that way.

Despite frequent reports of huge numbers of free short-wave sets given away by the German government, NBC has been unable to uncover any actual cases of such activity. It queries representatives throughout South and Central America and a few persons had heard indirectly of such a move by the Germans, but no genuine instances have so far been discovered.

According to the story, the Reich was shipping vast numbers of sets to South America, but the receivers built to tune in only German transmitters. According to NBC execs, any such selective set as described would be prohibitively expensive. Network officials also pooh-pooh tales of Fascist sympathizers blotting out U. S. short-wave broadcasts.

Requirements

Requirements for all employees in NBC's international division are extremely stringent. All broadcasters must be native Americans or naturalized citizens of unquestioned loyalty to the U. S. All must have some sort of journalistic background, must speak the particular foreign language without a trace of English accent, must have a suitable microphone voice, personality, etc., and must have had extensive world travel.

Head of the international division is Frank E. Mason, NBC vice-president. Program director is Guy Carlton Hickok, U. S.-born, former reporter and editor and war correspondent and formerly in the U. S. army. Production manager and chief of the Spanish section is Charles R. Carvajal, U. S.-born of Spanish ancestry, formerly in U. S. army, radio technician, broadcaster and reporter. News editor is Hudson R. Hawley, U.S.-born, formerly in U. S. army, reporter, feature writer, editor, foreign correspondent. Music Editor is Carlos Edwards Bovel, Swiss-born, newspaperman, naturalist, explorer, singer, orchestra conductor and concert violinist.

Among the members of the Spanish section, nearly all of whom are foreign born, various kinds of newspaper government service and radio background are Addison M. Durland, Eli B. Canel, John Alfred Barrett, Roberto Gatica, Julian Zollo Muriel, Rafael Vargas Lasso, Francisco Jose Ariza, Olga Andrea Echeverria (former Broadway and film actress), and A. Llopis de Olivares.

Portuguese Section

Members of the Brazilian section (Portuguese language) include Arthur S. Deter, Crispin Alvies Dos Santos, Edna Hammond and Priscilla Watson. Those in the French section are Richard Alexander Thomas and Fernand Gustave Auber Jonois. Chief of the German section is John H. Marching, U. S. born, German-educated, former Major in the U. S. army intelligence service. Because of his brooding of facts distasteful to the Hitler regime, Marching has won the ill-will of Nazi sympathizers in the U. S. But because of his war record and his obvious sympathy toward democracy, they have been unable to injure him or his position. His assistant is Alan Whit Newham.

Head of the Italian section is Natalia Danesi Murray, Italian-born, U.S.-naturalized former Italian and Broadway actress, former correspondent, translator of books and plays. Her mother, a noted war correspondent and liberal writer, was forced to leave Italy when the Fascists came into power. Like Marching, Mrs. Murray makes point of including in her talks any facts likely to prove distasteful or embarrassing to the Fascist regime. Her assistant is Marcello Girosi.

STATE DEPT. MASTERMINDS KID SHOW

Washington, Dec. 27.

Annual International Children's Christmas Program, bringing greetings to kids throughout the world from children of foreign embassies stationed at Washington, completed last week with only a few lifted eyebrows from international observers. Carefully reviewed by U. S. State Department, in order that each nation should take its proper place on the program, only discords arose from an erroneous report in a local newspaper and from the placing of Sachiko Jimbo, daughter of Shuzo Jimbo, attaché of the Japanese Embassy, at the tail-end of the program. Gossip story published in Washington said that the children of Herr Wilhelm Tannenber, First Secretary of the German Embassy, had been cut off the program because they insisted on giving the Nazi salute and shouting "Heil, Hitler" before the mike. This also was a phony.

Reason that the Japanese youngster was put on last was that the State Department arranged it that way because of lesser status of the little girl's father, it was explained.

Colorful affair, which always brings out Washington's most fashionable youngsters and their parents and nurses, featured two American moppets for the first time. Marcus and Maria Wooding, children of U. S. Secretary of War Harry Woodring—the only member of the Cabinet with children under 15—made their first appearance on the air—with Marcus, the youngest, stricken with mifeight and unable to deliver.

Nicaraguan Wow

Hit of the show, which was held at the Shishem hotel, was 5-year-old Liana De Silva, daughter of the Nicaraguan Minister, who exasperated NBC officials and tickled the audience by hogging another child's time to announce she had thought of something else to say and recapturing the mike to upset time schedules arranged in New York.

Show is an annual good-will affair put by NBC from a Washington station and D-X'ed to Europe, South America and across the Pacific through W2XAL, Bound Brook, N. J., and W2XK, Pittsburgh. Kids say Merry Christmas in English and then repeat the message in their native tongues. Wear costumes of their homelands and get a hand from Washington youngsters who are doomed to leggings and tweed coats.

CONNECTICUT POLITICS

\$73,924 for Air Time Spent By Democrats, Republicans

Hartford, Dec. 27. The two major parties in Connecticut spent \$73,924 for radio, newspaper and other types of advertising during the recent election according to reports of the party treasurers filed Wednesday (21) with the secretary of state. Democrats spent \$33,917 through the Fred E. Baker, Inc., agency, and the Republicans \$40,017 through the F. W. Prella Company, both of this city. Sums spent by the two parties were almost as large as that spent in the last presidential election with the major share of the money going towards radio time.

Trusteeship Soon Ending Over KGW-KEX Property

Portland, Ore., Dec. 27. Legal arrangements to terminate the trust of the Oregonian Publishing Co., which operates stations KGW and KEX, has been started. Stockholders of the publishing company sought a court order to transfer control of the corporation from O. L. Price, trustee, to beneficiaries of the Pittock estate. Transfer was branded as just a legal formality for realignment of the Oregonian affairs preceding the termination of the trust, which happens next year. Like Marching, Mr. Price made point of including in her talks any facts likely to prove distasteful or embarrassing to the Fascist regime. Her assistant is Marcello Girosi.

Analysis of Latin Schedules

Summary in hours and minutes of the total South American short-wave broadcast time per week of the principal nations. Figures in parentheses refer to the number of programs per week.

NBC, New York

News	
Spanish (28).....	7:00
Portuguese (14).....	3:30
English (7).....	1:45
Other Programs	
Spanish.....	35:00
Portuguese.....	10:30
English.....	5:15
Total Programs	
Spanish.....	42:00
Portuguese.....	14:00
English.....	7:00
Total time.....	63:00

Germany

News	
Spanish (14).....	3:30
Portuguese (7).....	1:45
German (14).....	3:30
Other Programs	
Spanish.....	1:45
Portuguese.....	3:30
Spanish-German.....	12:15
Span-Port-Germ.....	3:30
German.....	26:15
Total Programs	
Spanish.....	5:15
Portuguese.....	5:15
Spanish-German.....	12:15
Span-Port-Germ.....	3:30
German.....	29:45
Total time.....	
	56:00

Italy

News	
Spanish (7).....	1:45
Portuguese (7).....	1:10
Italian (7).....	1:10
Other Programs	
Spanish.....	0:35
Portuguese.....	0:35
Spanish-Portuguese.....	4:40
Span-Port-Ital.....	0:35
Total Programs	
Spanish.....	2:20
Portuguese.....	1:10
Spanish-Portuguese.....	4:40
Span-Port-Ital.....	0:35
Italian.....	1:10
Total time.....	
	9:55

Japan

News	
Spanish (3).....	0:30

Portuguese (3).....	0:30
Japanese (7).....	1:10

Other Programs

Spanish-Portuguese.....	2:20
Span-Port-Jap.....	2:20
Japanese.....	0:10

Total Programs

Spanish.....	0:30
Portuguese.....	0:30
Spanish-Portuguese.....	2:20
Span-Port-Jap.....	2:20
Japanese.....	1:10
Total time.....	6:50

England

News	
Spanish (7).....	1:45
Portuguese (7).....	1:45
English (7).....	2:20
Other Programs	
Spanish.....	1:45
Portuguese.....	1:45
English.....	12:50
Total Programs	
Spanish.....	1:45
Portuguese.....	1:45
English.....	15:10
Total time.....	18:40

France

News	
Spanish (7).....	1:45
Portuguese (7).....	1:45
French (14).....	5:15
English (7).....	2:20
German (7).....	2:20
Other Programs	
English.....	1:45
French.....	16:20
Span-Port-French.....	1:45
Total Programs	
Spanish.....	1:45
Portuguese.....	1:45
French.....	2:20
English.....	4:05
German.....	2:20
Span-Port-French.....	1:45
Total time.....	33:15

Holland

News	
Spanish-Port-Dutch.....	1:30
Span-Eng-Dutch.....	1:30
Total Programs	
Spanish-Dutch.....	1:00
Span-Port-Dutch.....	1:30
Span-Eng-Dutch.....	1:30
Spanish-Dutch.....	1:00
Total time.....	4:00

MEXICAN S'ALL MYSTIFIES

Mexico Brooks No Propaganda From Nazi Axis

Mexico City, Dec. 27.
All radio stations in Mexico are 100% free of Nazi or Fascist propaganda, asserts the government and the operators. Stand of the Confederation of Mexican Workers, Mexico's strongest labor union, against Berlin and Rome policies, as manifested by its complete banning of a couple of pix, one German, the other Italian made, is pointed to as demonstrating what it would do to a propaganda air station.

French Newspapers' Animosity Against Air Policies in Canada

Montreal, Dec. 27.
Canadian Broadcasting Corp. is making strenuous efforts to build up listener audience for stations here and on the CBC regional net. The point that an appropriation of \$25,000 had been made for exploitation and advertising campaign to be used to build up listener audience on CBC stations through the medium of newspapers, has been denied by a CBC exec. Understanding is, however, that considerable space is being taken wherever dailies will accept CBC advertising.

La Presse, most influential French daily in the province, has already refused CBC copy, on grounds that it would be building up a radio station which competes with its own CKAC.

La Nouvelle, Three Rivers, has also refused CBC advertising as conflicting with the interests of its own station. Hon. Jacob Nicol, former provincial treasurer, owner of two or three newspapers and radio stations, is bitterly opposed to CBC policies, stating here that the Government had muscled in on private enterprise, made its own rules and then played against the private stations.

OVERSEAS RIFLE CONTEST, BBC STUNT

London, Dec. 20.
Idea of a transatlantic rifle shooting contest is being worked out for early in new year by BBC. Broadcast is hoped to 'furnish entertainment from the novelty angle, at the same time appealing to small-bore fans.

Championship teams of six a side representing England and U. S. will fire at 25 yards range with 22 rifles, listeners hearing the proceedings at both ends, with English and American commentators and a third emcee to keep the record.

Which network on the American side BBC aims to ask to play the game isn't set.

'Big Sis' in French

Montreal, Dec. 27.
Whitehall Broadcasting is producing a French version of 'Big Sister' for Rinsco, scheduled to go over station CKAC beginning Jan. 9 five times weekly. Production, to be known as 'Grande Sœur', will be translated from the English and adapted by Louis Morisset.

French version will begin with the first instalment of 'Big Sister'. English version will continue as usual.

In Hawaii

Honolulu, Dec. 17.
RCA Magic Key program now on KGU.

Dick McGuire, Irish announcer, mastering Hawaiian and using it in his radio spiels.

Palace theatre opening was aired by KGU. Mike picked up the ancient Hawaiian 'Kahuna' prayer and show from the stage.

Vox pop program by KGU from Waikiki Beach corners picks up celebs from the States.

'Information, Please,' and 'Across the Sea from NBC,' latter produced by Don Fitzgerald, catching on.

Dole Pineapple, which will sponsor the new Phil Baker show to KGMB, here, also backs program of Hawaiian talent, airing from Honolulu.

KGMB now picks up New York Philharmonic.

Clara Inter, local school teacher, making a hit with comedy routine a la Fanny Brice.

Al Keoloha Perry Hawaiian orch. plays the Heinz, Maxwell House, and Listerine local programs on KGMB.

KGU and KGMB multiplying number of Filipino, Chinese and Japanese programs, each having their own announcers and native style of music.

BBC DOUBLING SIZE; 2 YEARS TO BUILD

London, Dec. 20.
Enlargement of its London headquarters to twice its present size is being carried out by BBC. Additional wing now building at Broadcasting House. Will include five underground studios. Structural work will consume two years in all.

Five new broadcast stages will include three dramatic studios, one effects studio and a general purpose studio, latter planned to be 80 feet long, 54 feet wide and 30 feet high. Each is planned as a separate shell, floated and isolated from the main structure as insulation against outside noise. Scheme also means that in time of war whole underground unit could be transformed into a gas and bomb-proof radio unit, though in fact set-up was designed well before recent war scare.

RAP CLIFFHANGERS

Parents Say Thrillers Over-Excite—Censorship Angle

Toronto, Dec. 27.
Appeal of Home and School Association deputation that the Board of Education here lend its support to a proposed campaign to curb 'blood and thunder' radio programs aimed at juveniles was turned down by the Board on the ground that 'such radio censorship in Canada would be objectionable.'

Parental allegation was that 'thrillers' on the air were upsetting and harmful to child listeners. Speaking as a parent, Dr. Hugh A. Ross, chairman of the Board, said he would be pleased if certain children's programs were taken off the air; but he emphatically stated no radio censorship was wanted here. Other members of the Board concurred.

Gilbert Wall with Tyler
Montreal, Dec. 27.
Gilbert Wall has joined staff of Radio Program Producers. Will be aside to Ivan Tyler on production and continuity for 'Tonight at Eight.'

CANADA, CUBA ALSO HELD UP

Americans Not Given Any
Clear Picture as Yet of
What Caused Mexican
Senate to Refuse Ratification
of Havana Reallocation

BORDER BOYS?

Washington, Dec. 27.
Acceleration of efforts to put the North American regional radio agreement into effect will occur after the holiday season when Josephus Daniels, the American ambassador to Mexico, returns to his post. Refusal of the Mexican Senate to ratify the pact was one of the topics taken up at State Department conferences during the diplomat's visit home.

Slow progress in attempting to get a commitment from the Mexicans which would pave the way for promulgation of rules to put the accord into operation. Dearth of information leaves both State Department executives and the FCC in the Dark, since the embassy has not replied to several recent communications beseeching the staff to try and get a positive assurance from Mexican authorities. Scanty explanation for the stalling except the smoldering conditions of U. S.-Mexican relations and the easy-going attitude of politicians below the Rio Grande.

While American officials are loath to talk about the maneuvers, it is whispered the aid of Cuba and Canada have been solicited in an endeavor to apply concerted pressure on the Mexicans. With the United States, these two countries have completed the formal routine of adopting the pact and may be expected to join American missionaries in overcoming resistance below the border. They want to get advantage of the concessions promised in the agreement, which cannot go into effect until one year after three signatories have ratified and the fourth has made firm pledge to go through the formalities. The Canadian stamp of approval was put on the document late in November.

Bad Boys from U.S.A.
Among the maneuvering said to be in progress is an attempt to recall to the Mexicans the side-line understandings reached at Havana last year. Chief of these informal accords was that Mexico would take steps to gag the so-called 'border stations' run by Americans chased out of this country. The border plants are believed responsible for the sudden Mexican opposition to the reallocation scheme. Exact terms of the quiet understanding never have been officially revealed, although trade circles hear the Mexicans accepted the idea that the facilities allotted them should be used by and for their own citizens and not by Americans in disguise.

Usual slowing down of official business at the holiday season has resulted in temporary shelving of the problem. No further action on the idea of requesting Mexican authorities to send an emissary to Washington for a realistic open-face talk. But Daniels is expected to prod his underlings and try to arrange a show-down when he resumes his post.

LONDON TICKET FIRM USING RADIO

London, Dec. 27.
Payne-Jennings and Killick, who conduct a two-for-one office in London for the sale of theatre tickets, are trying the experiment of publicizing their attractions via Radio Normandy.

Will 'take space' in the IBC 'West End Spotlight' series of extracts from 'Lot's Wife' and 'Treasure Island.'

Bronislaw Huberman Loses \$9,000

Palestine Orchestra Handicapped—Racial Frictions
Tough on BBC-Trained Crawford McNair

It's Your Rule, Senior

Buenos Aires, Dec. 20.
Dr. Adrian Escobar, Argentine postmaster general, was stopped last week from speaking by wireless from Lima to Buenos Aires by one of his subordinates. He's attending the Panamerican Conference at Lima, and made arrangements with an amateur radio station in Lima to speak with a similar station in Buenos Aires, in order to hold a conversation with his brother.

When the p.m. was preparing to leave his residence for the radio station, he received a cable from Adolfo T. Consentino, chief of the Wireless Communications Department of the Argentine P.O., informing his chief that private conversations between amateurs were prohibited by the Argentine regulations.

Dr. Escobar has been literally hoisted with his own petard since not so very long ago he issued a decree informing owners of private transmitters that they would have their licenses suspended if they indulged in private conversations which in the ordinary course of events could be sent through the existing public services.

CANADA WIRED TO PACIFIC SOON

Vancouver, B. C., Dec. 27.
Plans are now being drawn up for the long-outleted Pacific Coast loop which will link CBR, Vancouver, and the rest of the Canadian Broadcasting Corp.'s Western network with Seattle. This will permit feeding of U. S. network shows directly from coast outlets. At present all American shows aired in Western Canada are fed through Toronto.

Significant point in the new set-up is that western provinces will receive American programs after the Eastern stations are off the air. At present all important Eastern programs fold at 9 o'clock.

London Calling

Erwin Wasey & Co. handling Fairy Soap and Oxycel accounts, increased time on Radio Normandy by a new contract placed with IBC.

Jack Oakie and BBC couldn't get together. Corp. wanted him for Saturday night 'In Town Tonight' program, but comic boggled when he saw the script they expected him to read.

BBC after televising rights to the entire 'Potash and Perlmutter' series.

E. V. H. Emmett, G.-B. News commentator, signed as emcee for Louis Levy 'Music from the Movies' broadcast series, and on this fortnightly program will replace the BBC announcer, beginning Jan. 6.

BBC televising 'Once in a Lifetime' for the third time on Dec. 27.

BBC Variety Dept. plans for New Year the greatest emphasis on straight vaude with Saturday night 'Music Hall' rating weekly biling in place of fortnightly airing it is currently allotted. Successful features—'Monday Night at Seven,' 'Band Waggon,' and 'In Town Tonight' are retained, former drawing full 60 mins. timing from January onwards, as against 50 mins. at this time.

Jerusalem, Dec. 11.
Bronislaw Huberman, topnotch concert violinist and founder and inspirer of the three-year-old Palestine Orchestra, has openly broken with the Palestine Broadcasting Service, government-owned radio station. Split came about when the P. B. S. refused to pay \$9,000 for broadcast rights of orchestra's concerts this season. Claimed this sum would wreck budget and seriously curtail all programs, which are divided into three parts: English, Hebrew and Arabic. Huberman claims that since the orchestra received a sum similar to that last year he sees no reason why it shouldn't be coming to them this season. P. B. S. offered the orchestra \$3,000 for the season.

Last year, according to Crawford McNair, BBC-trained director of program, the Citrus Advertising Committee of the Government sponsored the orchestra's program by forking over part of the \$9,000 needed, the P. B. S. supplying the rest. But now the Citrus Advertising Committee is taking its money abroad, saying that Palestinians should know by now what kind of oranges, grapefruits and lemons are grown here and how many vitamins there are in each.

Incidentally the citrus programs last year were the first, last and only programs ever to have a sponsor. The P. B. S. operates on a Government budget, doesn't take any advertising.

Another serious crisis threatening the P. B. S. is that of the broadcast of news bulletins. When the P. B. S. was founded in 1936 it had one news bulletin a day for ten minutes in the three official languages: English, Arabic and Hebrew. Then this year the director inaugurated a 60-minute midday program, giving a further ten minutes a day of news bulletin in all languages with an Arabic music program. Jews hued and cried against this Arabic program, which they said, makes the Palestine station appear as a purely Arabic station, while 28,000 of the 35,000 radio licenses in the country are in the hands of Jews. McNair, sorely pressed, compromised by giving the Jews the first ten minutes of the midday program for news, then 30 minutes of Arabic music, then ten minutes of Arabic news and ten minutes of English news. The regular evening program, extending from 5 until 10 p.m., has fifteen minutes of news in each of the languages.

Now the Arabs are sore, and they've gotten 874 prominent Arabs to sign a petition protesting against the opening news bulletin in Hebrew. McNair, stolidly British, is muddling through apparently getting both the Jews and Arabs exasperated by his attitude.

Dagg, CKWX Chairman Of Vancouver Ad Board; May Have Significance

Vancouver, B. C., Dec. 27.
Reginald Dagg, commercial manager of CKWX, was appointed last Monday as chairman of the Advertising and Sales Bureau of the Board of Trade. First time a radio man here has been given the official nod by this advertising group.

Opinions expressed in radio circles indicate that Dagg's appointment may lead to active support by the Board of the commercial radio stations' plea against spread-eagle control of radio by the government system.

Thornburn Joins WSAX
Rochester, N. Y., Dec. 21.
Winston H. Thornburn, who handled Philco account for Hutchins Advertising Agency and has produced radio shows, has been named national sales representative for WSAX. He will operate in Rochester.

WHY WAS 500 KW. GOOD YEARS AGO, NOT TODAY, DUKE PATRICK DEMANDS OF FCC

Vitriolic Session as WLW Lawyer Attacks Commish's Attitude—Months of Wrangling Seen as Probable

Washington, Dec. 27. Months of court wrangling seem to lie ahead of Powell Crosley's desire to keep on using 500 kw at WLW, Cincinnati. At conclusion of oral argument Thursday (25), every indication was the FCC will deny the application for renewal of the special authorization for super-power operation, following recommendations of three-man committee that spent two weeks taking testimony last summer.

Tenor of questions from commish members was unmistakably hostile, even though Duke M. Patrick, Crosley attorney, made some impressive points in voicing his reasons for feeling the committee report should be upset.

Semi-final proceeding was not so much an argument as a debate, with Patrick frequently haranguing the airwave cops at considerable length about his interpretations of the Communications Act. Most active verbal duellists were Chairman Frank R. McMinch and Commissioner Paul A. Walker, with two of the three trial judges—Commissioners T. A. M. Craven and Norman S. Case—occasionally interjecting questions that were not friendly. Even Commissioners Thad H. Brown and Eugene O. Sykes tossed out a few sharp interrogatories.

Following the general theme in his written exceptions, Patrick contended the commish committee was guilty of overlooking much pertinent evidence presented on behalf of his client, misstated the testimony which substantiated the unfavorable recommendation, and were, in effect, biased and prejudiced. Wind-up was his contention that even if WLW does no further experimenting the commish ought to renew the 500 kw authorization as an assurance of pro-

gram service for listeners in thinly-settled regions and unsupplied with satisfactory signals from other sources.

Tart Observations

Proceeding—which originally was listed for 90 minutes and ran nearly three full hours—was livened by tart observations from the bench, chiefly from McMinch and Walker. Inquiries and rejoinders raised eyebrows of the more than 20 prominent radio barristers forming the gallery. Walker kept verbal harpooning by repeatedly asking Patrick if he was arguing in defense of an application for a regular or a special super-power ticket.

Fact the commish once waived its 50 kw limit and subsequently has renewed the permit is no reason why WLW should expect to continue using super-power indefinitely, McMinch interjected. Idea that a special privilege is used for commercial purposes was repugnant to Walker, although Patrick maintained WLW is not doing anything that other experimenters do not do.

With the assertion that no vital policy question is presented, Patrick berated the three-man committee for ignoring evidence it did not agree with and insisted the commish can't go outside the points made by the trial panel in settling the case. If the full body sticks within these limitations, it is obligated to find for the defendant because the adverse conclusions in the report have no substance in the record, he insisted.

Kubling, over the legal status of WLW broke out repeatedly. At the outset, Patrick declared there is for all practical purposes—no distinction between a regular and an experimental diploma. Procedure is the same, while no direct reference in the law to experimental authorizations. Both Commissioner Craven and Commissioner Walker reflected disagreement with this concept, although Patrick stuck to his claim that 'no matter what you call it, it is a license.'

After Patrick complained about 'conspicuous omissions' in the committee's chronicle, McMinch and the lawyer debated whether members who did not attend the hearings have the right to look at the entire record and make up their own minds. Patrick said he was convinced it was the Commission's duty to deny the application for any reason other than one offered by the committee, adding tartly 'I gave you a chance to follow a different course' by asking for concrete findings before the argument was conducted.

Other sharp rejoinders came from Case and Walker. The former took the view the committee did make findings, although not categorically, while the Oklahoman told Patrick 'you're getting into a pretty violent assumption as far as I am concerned.'

Among the vital issues overlooked by the committee, Patrick listed the adequacy of signals, noise and static, engineering disputes over standards, failure of WOR, Newark, to oppose the application, and future research plans. Statements which the committee did make in the way of conclusions were 'simple and singular,' only half-truths, he declared.

Jurisdiction of the FCC over WLW earnings was challenged. Stated income figures cited by the committee are not a true reflection of the testimony. Congress never bequeathed power to fix rates or regulate returns, Patrick contended, quoting Chief Justice D. Lawrence Groner of the District of Columbia Court of Appeals and insisting 'service institutions cannot be judged by the bare-bones theory.'

When he termed the committee report a 'gratuitous insult,' McMinch flared up and Walker snapped out more startling questions. Patrick stood firm, admonishing the commish 'you will have to write different rules' if it wants to prohibit money-making and noting it is preposterous to expect one station to operate for charity while others are pocketing profits.

Denial of the application would be a 'strange interpretation' of the rules and the law, according to Crosley mouthpiece. If 500 kw operation

was a good thing five years ago, why isn't it now? What has happened in interim to ruin the service? He knows of no radical changes, except such as make super-power more desirable.

Fight over the right of Commissioner George Henry Payne—avowed opponent of high wattage—to take part in the deliberations was foreshadowed by his absence from the argument. At the conclusion, McMinch inquired if Patrick will object to Payne's participating and was told WLW must protect itself by reserving the right to challenge absentee voting. Necessary to listen to the argument—even though the commish departed from usual custom and had recordings made—to understand what it's all about, Patrick averred. McMinch remarked that until the argument Patrick never raised any issue about Payne's fitness, and that Murray, WCAE, have been signed by beer firms for daily five-minute sportscasts over their respective outlets.

Bernie Armstrong back on the job at KDKA, spending his Christmas holidays in a hospital getting an infected foot repaired. Still walking with a cane, however.

Joe Vilella, KQV, veteran, slated for another commercial series which will be backed by a brewery. It'll be along his usual 'I's a recording' lines.

Harry Azinsky, concert master of KDKA, Pittsburgh, veteran, slated just been made assistant conductor by Maurice Spitalny, director of music at station. He succeeds Al Egiz.

Rose Mountain, contralto of WGY's pioneer days, returned as member of quartet on annual Christmas carol program keyboarded by Dr. Charles Gillert Sprague.

Halo for fairness by a p.a. was handed by Phil radio editors last week to Gil Babbitt, of WPM. Station airs a drama workshop show on which each member of the cast has at some time gotten publicity—except one. She's Sara Babbitt, the p. a.'s cousin, whom nobody even knew belonged to the troupe because of fear of being accused of favoritism.

William T. Hales, jr., pupil of Andre de Seguro, in Oklahoma City for Christmas. To air over WKY under sponsorship of Servel Electro-Vox.

Diamond DX products to sponsor airing of Orange Bowl game between Oklahoma Sooners and Tennessee Volunteers Jan. 2 over KOMA, Oklahoma City, and KTUL, Tulsa. Deal set by Sales Manager Lawson Taylor of KTUL.

Last week's sick list in one day at KTUL. Tulsa observed four hired hands: Walter Cox, salesman; John Essau, publicity; Bernice Ash, continuity ed.; face lacerations from falling from an moving car, and Ken Linn, chief announcer, run over when getting into his own car—all in one day.

Donkey's Malted Milk blurs on city-owned WRR, Dallas. Through Roche, Williams & Cunningham.

J. S. McElodowney, sec-treas Plaza Court Broadcasting Co. (KOXY), Oklahoma City, arm broken from fall.

Reginald Allen has moved from WBT, Charlotte, N. C., to WJSV, Washington, D. C. He has been replaced on WJSV by reporter program at WBT by Charles Arlington.

Mrs. Dorothea McCallister, WBT, Charlotte, N. C., secretary to the manager, has resigned. Ruth Davis is her successor.

Lincoln Dellar, manager of WBT, Charlotte, N. C., is back from a business trip to Virginia and West Virginia.

Gene Austin, on a personal appearance tour through this section, aided over WBT, Charlotte, N. C., aided by Candy and Coco, accompanists.

Bob Gregory, formerly with WDOX, Chattanooga, announcing at WBT, Charlotte, N. C.

Leucy Kent (WMLZ, Macon, announcer) now recovering from his eighth abdominal operation, will have to be out of the running until February, his doctor announced.

WMAE employees received Christmas bonus of a share in the 4% net profits of the company. Not as large as last year.

Charles Kent joined WAGA, Atlanta, sales department. WKY and KOXY, Oklahoma City, aired Christmas program from Municipal auditorium.

Wm. C. Gillespie, vice-president, general manager KTUL, Tulsa, presented 'Radio Today and Tomorrow' discussion before Tulsa Rotary club and Nowata (Okla.) C. of C.

Rita Whitten, star of Women's Magazine of Air, KLRA, Little Rock, resigned to marry Frank Hennessey,

Background Buzz

EAST

Ben Alley, tenor, heard for the past couple years from WCAU over CBS, has switched to KYW, Philly. Doing a half-hour sustaining shot on NBC Saturday afternoons.

C. R. Rogers Co. has signed Ollie O'Toole for 13-week series of five-times weekly half-hour shows over WWSW, Washington. Program will have O'Toole doing character impersonations, with recorded music of name dance bands under label 'Mystery Phil and Co.'

South Hills Realty Co. has renewed weekly 10-minute script show, 'Jack and Jill' (Carl Dozer and Stephanie Diamond) over WCAE, Pittsburgh, to resume Jan. 8 for indefinite period. Placed direct.

Robert Gill, former announcer at WCAE, Pittsburgh, who has returned to that city for graduate work in dramatics at the Carnegie Tech drama school, is directing a group of Tech Players in the weekly 'Postal Oddities' series over his old station.

Jack Hollister, KDKA, Pittsburgh, and Tim Murray, WCAE, have been signed by beer firms for daily five-minute sportscasts over their respective outlets.

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William T. Hales, jr., pupil of Andre de Seguro, in Oklahoma City for Christmas. To air over WKY under sponsorship of Servel Electro-Vox.

Diamond DX products to sponsor airing of Orange Bowl game between Oklahoma Sooners and Tennessee Volunteers Jan. 2 over KOMA, Oklahoma City, and KTUL, Tulsa. Deal set by Sales Manager Lawson Taylor of KTUL.

Last week's sick list in one day at KTUL. Tulsa observed four hired hands: Walter Cox, salesman; John Essau, publicity; Bernice Ash, continuity ed.; face lacerations from falling from an moving car, and Ken Linn, chief announcer, run over when getting into his own car—all in one day.

Donkey's Malted Milk blurs on city-owned WRR, Dallas. Through Roche, Williams & Cunningham.

J. S. McElodowney, sec-treas Plaza Court Broadcasting Co. (KOXY), Oklahoma City, arm broken from fall.

Reginald Allen has moved from WBT, Charlotte, N. C., to WJSV, Washington, D. C. He has been replaced on WJSV by reporter program at WBT by Charles Arlington.

Mrs. Dorothea McCallister, WBT, Charlotte, N. C., secretary to the manager, has resigned. Ruth Davis is her successor.

Lincoln Dellar, manager of WBT, Charlotte, N. C., is back from a business trip to Virginia and West Virginia.

Gene Austin, on a personal appearance tour through this section, aided over WBT, Charlotte, N. C., aided by Candy and Coco, accompanists.

Bob Gregory, formerly with WDOX, Chattanooga, announcing at WBT, Charlotte, N. C.

Leucy Kent (WMLZ, Macon, announcer) now recovering from his eighth abdominal operation, will have to be out of the running until February, his doctor announced.

WMAE employees received Christmas bonus of a share in the 4% net profits of the company. Not as large as last year.

Charles Kent joined WAGA, Atlanta, sales department. WKY and KOXY, Oklahoma City, aired Christmas program from Municipal auditorium.

Wm. C. Gillespie, vice-president, general manager KTUL, Tulsa, presented 'Radio Today and Tomorrow' discussion before Tulsa Rotary club and Nowata (Okla.) C. of C.

Rita Whitten, star of Women's Magazine of Air, KLRA, Little Rock, resigned to marry Frank Hennessey,

announcer, at WMC, Memphis. Replaced by Theda Drennan, formerly with KGH.

Ewing Carmady, new announcer KTKO, Oklahoma City. Hails from KWKH, Shreveport.

Abe Hale's orchestra doing three-a-week for Oklahoma network.

Perry Ward and Ted Andrews promoting New Year's eve dance with local radio talent at civic aud. Ward is of WKY, Andrews KTKO.

Dick Johnson, KGFF, Shawnee (Okla.) sportscaster, new 'Sportlight' program for local furniture company.

Oklahoma Night Riders new h.d. orchestra on Oklahoma Network. From Kome, Tulsa.

WEST

Eddie Cantor due back in Hollywood with his air troupe Jan. 14. Cecil Underwood, producer of Fibber McGee and Molly, passing the holidays with his family on the Coast.

Gaylord Carter pumping the organ at KFNB (Hollywood), vice Eddie Eben.

Eddie Albright at KHJ (Los Angeles) as commentator after 14 years at KNX there.

Norman Sullivan helping Wilkie Mahoney dream up gags for Bob Hope.

Thomas Conrad Sawyer joined KHJ announcing and continuity staff.

John Conte barks the commercials on the new Gulf-Hollywood Gold show.

Danny Danker moved his Hollywood radio staff into the new J. Walter Thompson quarters across the street from NBC's Radio City.

Gus Edwards auditioning talent for new show on KFNB (Hollywood).

Cully Richards back in Hollywood after attending funeral of his mother in Cleveland.

Don Gilman threw open to the public at 40c a head—NBC's Radio City in Hollywood.

Ken Miles heads talent school to polish up tyros for appearance on Wrigley's Gateway to Hollywood program.

NBC will remote the music of Ray Noble from Earl Carroll's theatre in Hollywood.

Donald Thornburgh brought back a bonus from New York for all workers at network's Columbia Square in Hollywood.

Watanabe and Archie back as a team for commercial audition on the Coast.

VISIBLE AUDIENCE 80,000

WOW staff artists, bundled against the cold, entertained 80,000 people at the National Cornhusking Contest near Sioux Falls, S. D., recently. WOW was the only individual station covering the meet... attended by 1938's greatest sport crowd. Remember, WOW—the showmanship station.

WOW

OMAHA, NEB.

590 KC 5,000 Watts
JOHN GILLIN, JR., Mgr.

Owned and Operated by the Woodmen of the World Life Insurance Society.

ON THE NBC RED NETWORK

IN SALT LAKE CITY
Business Will Be Fine in '39

PARTICULARLY FOR ADVERTISERS USING

The POPULAR STATION

KDYL

SALT LAKE CITY
Representative
John Blair & Co.

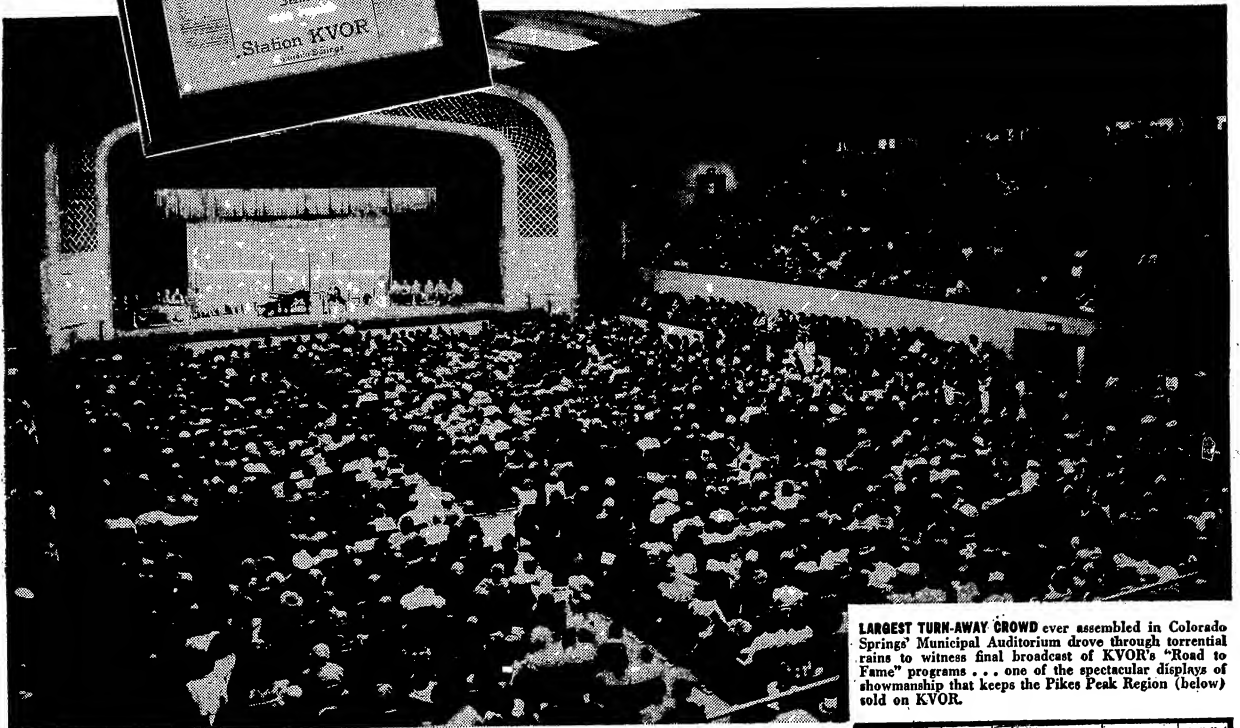
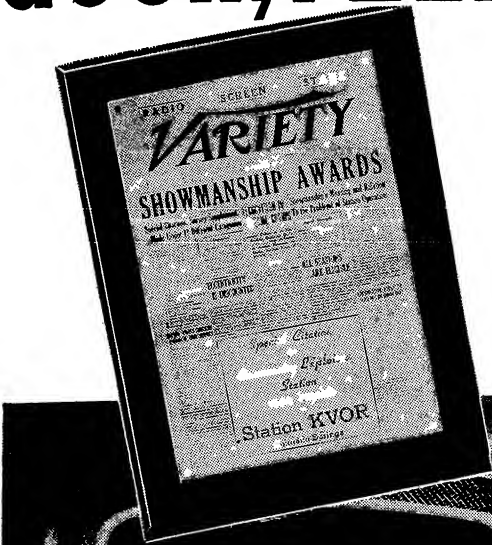
5,000 Watts Day 1,000 Night

ALL YOU NEED IN CENTRAL OHIO

WON'S
Columbus, Ohio
John Blair, Rep.

GOSH, FELLAS Thanks

This means a lot to us!



LARGEST TURN-AWAY CROWD ever assembled in Colorado Springs' Municipal Auditorium drove through torrential rains to witness final broadcast of KVOR's "Road to Fame" programs . . . one of the spectacular displays of showmanship that keeps the Pikes Peak Region (below) sold on KVOR.

But it means SO MUCH MORE to advertisers!

● Boy! Are we pleased . . . and proud . . . over our VARIETY Showmanship Award! And not alone because of the honor itself, but because impressing you, VARIETY, is the best possible proof to advertisers that we have thoroughly impressed our market first.

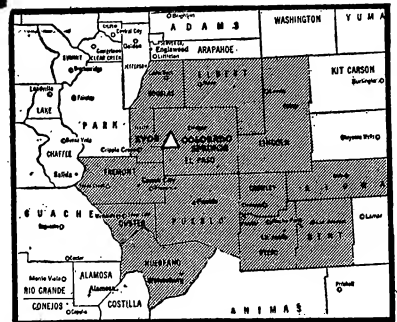
And that, after all, is the important thing about these awards of yours, VARIETY. Sure, the plaque looks pretty, hanging in a conspicuous place in the studio . . . but it's what's back of it that really matters.

Back of KVOR's, for instance, is all the experience that, for the past 4 years, has caused you to rank WKY in Oklahoma City and KLZ in Denver, tops in their respective markets . . . Back of it is the half-century history of attainment that centers around the Oklahoman and Times . . . that has made the Farmer-Stockman the greatest farm paper in the Southwest.

In its own way and in its own sphere, KVOR matches these outstanding performances. As unique as the market it serves—this station sells the

Pikes Peak Region from within . . . influences the buying habits of this highly-concentrated, wealthy area as no other medium can possibly influence it . . . reflects, in its exceptional equipment, skilled personnel and now nationally-recognized showmanship, the unusual personality of its market.

That's the thing that's significant to advertisers . . . and for telling them about it through your gratefully-acknowledged citation . . . well, Gosh, VARIETY—Thanks!



KVOR IS SOUTHERN COLORADO'S HOME STATION

KVOR Colorado Springs

COLUMBIA NETWORK • 1000 WATTS • FULL TIME

The Oklahoman Publishing Co. • The Daily Oklahoman • Oklahoma City Times • The Farmer-Stockman
WKY, Oklahoma City • KLZ, Denver (Affiliated Management) • Represented by The Katz Agency, Inc.

MOST OF NBC BIZ IS FROM RENEWALS SO SPONSORS KNOW THE RULES, SAYS WITMER

NBC Sales Chief Explains Policies That Guide Commercial Operation—Turns Down Accounts That Conflict with Policy

Washington, Dec. 27. Over-commercialization charges were pooh-poohed last week during chain-monopoly hearings just before the FCC went into holiday hibernation. Roy C. Witmer, NBC vice-

president in charge of sales, was on the stand two days. NBC presentation is still unfinished after more than five weeks of oratory and quizzing.

Following an elementary explanation of sales technique and chronology of commercial policies, Witmer answered complaints that too much time goes for propaganda purposes and that network executives do not have sufficient regard for the reaction of listeners. Good taste is the watchword in commercial programming, because agencies, sales staff, production people, and sponsors realize a pleased listener is the best prospective customer.

While NBC adheres to high ethical standards, there is no rigid code governing advertising continuity, the Comish was told. Because situations differ, in doubtful cases the web leans over backwards and many luscious accounts have been lost through refusal to waive a policy point.

Written Commandments

Outlining the NBC definition of "unacceptable" accounts, Witmer related that first written commandments were promulgated five years ago and sketched the progressive attempts to improve program standards. Many operating questions have not been reduced to paper, though, because further experience is necessary. Any product or service which involves ballyhoo "distasteful, morbid, or unpleasant" is verboten and in border-line cases the web feels "the safest thing to do is to rule it out."

Test of commercial announcement is the amount of interest, and number of words or length of time. Observation of listener reaction has shown that often longer blurbs are better liked, particularly if they are intriguing and informative regarding products in which the public is interested. Sales staff is aware of the yardstick and does not try to argue down objections that may be raised by program ogles, Witmer insisted, and agencies are aware of listener tastes and habits. With most of the web accounts coming from repeat sponsors, NBC seldom has a fight with the bill-payer, although it reserves the right to turn down any copy which may appear offensive.

Attitude on Games

Specific commercial problems were discussed during the two days, including prize contests, delayed broadcasting, political speeches, controversial subjects, and competition between the Red and the Blue chains.

For a long time, NBC was unfriendly to guessing games and similar other come-on propaganda. But the listener interest has become so widespread and intensive that the bars have been let down. Public enjoys matching wits, so that complaints are scarce. Usually the yowls are traced to material which was lost, as is inevitable when millions of letters are involved. Advertisers appreciate contests; must be on the level, because the purpose of ballyhoo is generation of good-will.

Physical considerations as well as deliberate judgment limits the amount of commercialization, Witmer asserted. Scoffing at the idea too much time is sold, he pointed out the proportion of commercial announcements is microscopic in comparison with the percentage of newspaper and magazine space consumed in customer cultivation. Printed media devote about 40% of their columns to

commercial ballyhoo. Radio sells 34.5% of its time, but the bulk goes into entertainment. Sponsor puffs are only 4.1% of the total commercial program time.

Various limitations on selling web time. From policy standpoint, certain sustaining programs are "must copy" and not available for sponsorship. Network wants to win prestige from such programs as Toscanini and Damrosch. Important sustainings cannot be pushed to another hour for any commercial no matter how great the monetary temptation. Inelasticity of the calendar and clock puts an automatic check on commercial broadcasting. Another protection is the practice of splitting the day into station and network periods. High cost of chain programs means only a limited number of advertisers can be deemed prospective sponsors. Still another limitation is the fact that certain products can be advertised only at particular periods if the message is to reach the potential market.

Few Can Afford It

Variety in program service is a keystone of good public service, Witmer declared. Consequently, NBC tries to spot different types of shows on its two hook-ups, an added handicap to the time salesman. Because national network sponsors are relatively scarce and have big bankrolls, the webs must be careful to see that radio campaigns do not fizzle or to allow them to put on an inappropriate type of advertising.

Restrictions imposed by webs on use of commercial time for discussion of controversial questions. Time must be reserved for debaters, so fair opportunity is assured opposing factions. Certain features—such as talks by the President and high officialdom—should not be identified with commercial products. Likewise religious and educational features. Little trouble with political candidates, because of diligent efforts not to take sides. Whenever sponsors want to touch on controversial topics, the web checks to see if they have a selfish interest. Policy on such matters is still in the evolutionary stage because of new and more experience before trying to adopt hard-and-fast principles.

Reception given commercials by the public is a valuable guide. When only a tiny percentage of the mail is adverse, the logical conclusion is that the program is suitable. Criticism always is studied with a view to improving the service wherever possible.

Operation of two networks by a single company does not endanger the public interest, in Witmer's view. While he feels it would be impossible for a single arm to handle all webs, he was confident the NBC is better able to serve the radio audience when it can coordinate programs on competing hook-ups.

Agencies Stewardship

Responsibility for preparation of commercial programs is divided, Comish learned. Witmer explained that actual approval of announcements is a duty of a special division directly under President Lenox R. Lohr, but sometimes he settles conflicts. Allowing advertising agencies to build shows is not harmful nor does it involve operating difficulties. Agencies are aware of network policies and standards while NBC has the last word whether a program gets on the air.

Hearings suspend this week, with the probers returning to work on Jan. 4 hoping to finish hearing the NBC tale next week. Schedule puts CBS on the stand when NBC is through and likely to take five to six weeks.

JACK STARR TO N. Y.

Kansas City, Mo., Dec. 27. Jack Starr, sports announcer for KMBZ, left the station last week for New York. Spieler had been with the station six years, his only radio connection. Previous to radio was in legit.

His last sponsor was Paul Jones cigarettes, and he spoke for Oldsmobile on broadcasts of Big Six football games.

Hugo Vogel Joins Agency

Chicago, Dec. 27. Hugo Vogel, formerly on the sales staff of NBC here, has joined the Beaumont & Hohman agency locally. Vogel comes in as a v.p. and account exec.

Radio Daffodils

Duluth—Sam Levitan, KDAL's special eventsman, kept kissable throughout his Christmas broadcast of "Corner Kibitzers' Club"—thanks to a fan, who phoned the station that he would refrain from hanging mistletoe over every KDAL door, only if Levitan would wear a sprig of the stuff in his hat during his on-the-street broadcast. Several femmes took advantage of the Yule flora.

Buffalo—Jim Britt, WBEN sportscaster, promised a copy of a set of health rules to all listeners who would write in. Among those to request the diet and exercise sheet was an inmate of Attica State Prison—and one of the health rules is, "Run a mile daily in the open air."

McCLATCHY FACSIMILE

Install 100 Sets Free to Users for One Year

Sacramento, Dec. 27. Although practical television for home use is still many years away, facsimile broadcasting of a tabloid newspaper is almost here. Guy C. Hamilton, vice-president and general manager of the Sacramento Bee and other McClatchy newspapers, stated this week. Facsimile receiving sets will be installed in Sacramento and Fresno, 50 in each city, about Jan. 1, and the experiment of newscasting by this method will be carried on for a year, at no cost to the recipients, Hamilton said.

"Television as now developed cannot be used below the fourth floor of a building," he said. "Every spark-plug in every automobile cuts in on the frequency on lower levels and causes spots like snowflakes. Also no means of financing television has been conceived," Hamilton said.

Radio Angle

He said that the McClatchy newspapers pioneered newspaper-owned radio station (KFBK) in California, and that they have found that, far from being a detriment, the stations have materially aided the circulation of the Sacramento Bee and Fresno Bee.

Out of 26 west coast newspapers, only three increased their circulation five months of this year, ending in September, according to Editor and "Positioners" reports," he stated. "The Sacramento Bee was one of them, and we attribute this increase to the constant plugging we give the paper on our radio stations."

Job-Finder Finds One

Philadelphia, Dec. 27. Appearance on a job-finder show aired on WFN by the Pennsy Unemployment Compensation Board won Walter E. Johnson a \$3,200-a-year job last week at Arthurdale, West Virginia. Johnson was on the program on Aug. 17.

Show is conducted by John Kolbman, former Philly Record scribbler, who now handles publicity for the Compensation Board. Job seekers are given numbers when listing their qualifications via the air, although this provision has recently been lifted in the cases of several German refugees who were permitted to tell their stories.

How About Sex?

Philadelphia, Dec. 20. Ruth Elliot, formerly with WGAR, Cleveland, has joined the WFIL staff as home economist. Miss Elliot yesterday started a three-a-week shot with the promise that women listeners won't be told what to eat, what to wear or how to run their homes. Femme has been in radio since 1929.

ARTISTS Management

SRO!

at the sensational
Carnegie Hall

"Experiment in modern music" of

PAUL WHITEMAN

and his
ALL AMERICAN BAND

A Complete Sell-Out
Hundreds Turned Away
Last Sunday Night

"He makes all the juvenile pretenders look like so many first-grade pupils."

—ROBERT SYLVESTER,
N. Y. Daily News

Opening Thursday
December 29th

PAUL WHITEMAN

(IN PERSON)
AND HIS

"RHYTHM RODEO"

Manhattan's Mightiest
Melody Round-Up

LOEW'S STATE

New York City

For the BUY of Your
Life Read the "P. W."
Section in LIFE
MAGAZINE This Week

17 E. 45th ST. N.Y.C.
MU. 2-1888

HARRY SOSNIK...

... MUSICAL DIRECTOR ...

CHARLES BOYER—WOODBURY PLAYHOUSE

(ORIGINAL SCORE)

Sundays—9 P.M. EST—**NBC**

JOE E. BROWN—POST TOASTIES

Saturdays—7:30 P.M. EST—**CBS**

MANAGEMENT MCA

LOUIS ARMSTRONG

And His
ORCHESTRA
Breaking His Own All
Time Record at the
APOLLO, New York
This Week
•
Week (Dec. 30)
NIXON GRAND, PHILA.
•
Management
JOE GLASER, Inc.
RKO Bldg., Radio City, New York

NBC
Tues.
Thurs.
Sat.

JOSEPH RINES
and His Orchestra
HARRY RICHMAN'S
ROAD TO MANDALAY
WILLIAM MORRIS AGENCY

CHEZ PAREE, CHICAGO
Met. LOU CLAYTON

IN BALTIMORE
IT'S
WFBZ
NATIONAL REPRESENTATIVES
EDWARD PETRY & CO.
ON THE NBC RED NETWORK

"THE O'NEILLS"

By JANE WEST

NOW RADIO'S MOST POPULAR

FAMILY BRINGS YOU MORE

LAUGHTER TEARS AND HEART-THROBS

Presented by Ivory Soap 99% Pure

LISTEN TWICE DAILY
NBC Red Network, 12:15 to 12:30 P.M. EST
CBS - WABC— 2:15 to 2:30 P.M. EST
IN . . . COAST TO COAST

Dr. COMPTON ADVERTISING AGENCY
MGT., ED WOLF—RKO BLDG., NEW YORK CITY

No Decision Until February In Test Suit of Victor-WNEW-Whiteman

Decision on the case of RCA Victor against Paul Whiteman and WNEW, N. Y., which was tried before Judge Vincent Leibel in the N. Y. federal court, is not expected before the latter part of February. Counsel for the three litigants were given until Jan. 15 to file the final briefs.

During the trial, which had lasted six days, WNEW counsel took little active part until Victor sought to broaden the issue to include other than Whiteman's phonograph records. The station's lawyers objected to this procedure but the court overruled them when Victor counsel pointed out that the other incidents cited, such as the WNEW Ballroom of the Air program, were illustrative of the practices in which broadcasters engaged with regard to phonograph discs. Victor contended that the manufacturer and not the interpretive artists had a common law right in the records and that permission for their broadcast use should be obtained from the manufacturer.

Belittles Manufacturer.

Maurice Speiser, who as general counsel for the National Association of Performing Artists, had instigated the original action, handled Whiteman's case. Speiser argued that the main point was whether the artist in recording his talents for a stipend yielded or waived his rights to control the use of his interpretation. He belittled the part that the manufacturer played in creating or fashioning the wax entertainment. All the latter did, said Speiser, was to provide mechanical facilities.

View that Victor now takes is that it will be the gainer regardless of what side the court favors as long as it decides that a common law right does exist in the recorded work of the artist. Outside of three or four artists, who have in recent years reserved the broadcast rights, Victor by virtue of its contracts controls all such rights.

HERE AND THERE

Marx Loeb, former production chief at WIP, Philly, now with CBS, has been assigned to the Orson Welles' drama unit.

Joe Di Natale, promotion manager for WFAB, Lincoln, has joined the sales staff of KGNF, North Platte, Neb.

John Lagen, page boy at NBC, Chicago, is joining the continuity department of KSO-KRNT, Des Moines, replacing Joe Miller, resigned.

Wander Company, Chicago (Ovaltine), through Blackett-Sample-Hummert, starts three night announcements weekly Jan. 4 for 13 weeks on KSFO, San Francisco.

Standard Oil of California through McCann-Erickson, spotting 21 night announcements weekly on KSFO, San Francisco, starting Jan. 1 over one-year period.

Washington State Apple Growers Association, through J. Walter Thompson, 10 daytime announcements weekly for four weeks.

American Popcorn Co., Sioux City, Ia. (Jollytime Popcorn) through Coolidge agency, Des Moines, weekly five-minute transcribed program.

Minnesota Consolidated Canneries (Butter Kernel Corn), through Long Advertising Service, participating in the live talent "friendly Homemaker" program on KSFO, San Francisco, once weekly.

L. E. LaGrave has joined the sales department of WNAX, Yankton, S. Dak. LaGrave formerly was regional sales manager for Look magazine at Buffalo, N. Y.

Salesmen Carry Sets

Philadelphia, Dec. 27. WFIL salesmen this week added to their maps, rate cards and promotion brochures, small, battery-operated portable receiving sets. With self-contained aerial they weigh less than 15 pounds. Innovation will be used to demonstrate salable sustaining programs currently being aired and to show the superior signal strength which WFIL claims in the Philly territory.

Farm Series on WOR, N. Y.

Chicago, Dec. 27. Fulapep, a farm feed product, has bought time on WOR, Newark, through the station's local sales office. Set through Benton & Bowles Chicago agency, the program will start Jan. 7 and ride for a series of 30 sessions. Fulapep is a Quaker Oats product, and its program will consist of platterized interviews of 'the man on the farm.'

J. J. Devine Quits Radio Repping; 35 Stations Go to Burn-Smith (New)

ROCHESTER BID WILL BE FOUGHT BY INS

Rochester, N. Y., Dec. 27. Edward J. Doyle, gasoline wholesaler, has made a new application to the FCC for a Rochester radio station operating on 1270 kilocycles. He previously had asked for 1500 kilocycles.

Doyle is reputedly wealthy and with good political connections. Other stations here will oppose granting the permit.

William Coates has joined Hansen-Williams, Inc., as an account executive. Coates' last connection in advertising was with Judson Radio Program Corp.

J. J. Devine & Associates retires this Saturday (31) from the station representation end of the business. It has turned over the contracts it holds with 35 stations to Burn-Smith Co., Inc., a comparatively new firm of reps. Heading the latter is Walter F. Burns, who heretofore has specialized in research and promotion. With him are G. Byron Smith, 2d, manager of Devine's radio department; William Noble, who comes from the N. Y. American, and Walter Reid, who used to be with Benton & Bowles.

Devine had entered the radio field merely because some of the newspapers it represented wanted the same firm to do its national spot soliciting. It found in the course of two years that this latter representation involved a mass of extra and expensive work.

NEWS!

To handle news the WLBW way requires:

- UP and INS News Service
- 8 teletype machines
- 8 rewrite men
- 1 news editor
- 5 commentators

that's why Paul Sullivan is so far out in front as the top single station commentator of the nation that's why so many mid-westerners **DEPEND** on Peter Grant's crisp comments and interpretations.

WLBW - THE NATION'S STATION

• THESE THINGS TOO, WE THINK, ARE PART OF THE STORY OF

WBAL
means business
in Baltimore

Frank Morgan Takes His Pants Off For a Studio Laugh in Hollywood

Outside of wallowing in Christmas cheer, last week's (Christmas Eve) of the MGM concoction hewed closely to the regular formula. Perhaps the Xmas angle had something to do with going overboard on the visible play for laughs to the studio audience. High point of the occasion's katzenjammers was the removal of Frank Morgan's pants, with Robert Young, m. c., confiding the cause to the unseen audience after the studio hubbub had subsided. This incident likely rates a radio first.

In keeping with the Christmas spirit, Fannie Brice and Henry Stafford engaged in a Baby Snooks and Daddy routine which wasn't climaxed with a slap and a yowl. Baby Snooks this time comporting like a little female Lord Fauntleroy. She bestowed \$10 upon a newsboy who wanted to buy a present for his mommy. Tony Martin sang about Christmas Night in Henry's room. Meredith Willson-batoned orchestra, with a mixed chorus group in support, provided a pleasing interpretation of "Silent Night."

Frank Morgan, even with the pants removal bit, wasn't as funny as he usually is with his Baron Munchausen-Major Hoople patter. For the dramatic inclusion there was Robert Taylor in a spy romance of the Ouida era. Doomed to die at dawn at the hands of a firing squad, the hero is granted his last wish, attendance at a ball given by his old sweetheart. She knows nothing of his plight until it is too late, Rita Johnson made an effective partner for the softly accented exchange.

Ode.

'DAWN PATROL'

With Fred Wood

Six Hours

Participating

Daily, 1 a. m. to 7 a. m.

WIP, Philly

Philly's first all-night stint is patterned largely after the model Stan Shaw has set in New York. On the air three weeks, the program has one sponsor, but a lot of pleasant reactions on the idea to date. Sponsor has bought a news period for the final 15 minutes of the marathon.

Handling the show is Fred Wood, recently brought to WIP from WSNJ, Bridgeton, N. J. Wood has a very good voice. Although not the overly-friendly type, he has a pleasant sound on a show of this type he's a fairly accomplished ad libber. He sticks pretty much to the business at hand, though, going in for a little pun or wisecrack.

Material on the show consists of recordings, weather reports, time, reports on road conditions, and names, names, and more names. There are more names than music, fully half of the time being taken up, particularly earlier in the night, by Wood reading names. It makes what otherwise would be a good show boring and monotonous. A gesture to morose egotists who get their bit of hearing their names read on the air. Station argues that it is necessary to read the names to keep up interest in a show of this type. Maybe. But how about a little more restraint, change of pace, variety? And, on the other hand, what about the large audience that's lost, for there must be intelligent people who are up at night and would be interested in music, but not the terrific dribble of 25 to 80 names read between each recording.

Herb.

'YOUNG BLOODS OF RADIO'

With George E. Kelly, Issy Bonn, Morton Fraser, Al Devito, and Shirley Lenner

20 Mins.

Friday (2)

BBC, London

A misnomer, because the two principal members of the troupe have already been doing BBC time over a period of several years.

Former member of Henry Hall's BBC dance band, and Issy Bonn as a frequent contributor to the variety bills.

It's a pleasant 20-minute light entertainment without suggesting any of the participants are likely to build up into radio's big-time stars.

Click, now band leader, warbler and funder all in one, has some definite personality, and may be a turn to look forward to; the quality of Bonn's Jewish character monologues is well known. On this broadcast his gags didn't click so good because there was no studio audience; and Shirley Lenner, a 14-year-old singing phenomenon, while without the maturity of Deanna Durbin, can effectively put across a sweet number. Morton Fraser's harmonica efforts were commendable.

Highspot of the show was a series of Bash impromptu songs, sung in Hollywood and London, for which no individual credits were allotted, but which reflected the excellent teamwork of the gang, who are currently touring with the same material they gave in the broadcast.

Follow-Up Comment

Bing Crosby and all the lil' Crosbys were on NBC Christmas morning from their Toluca lake home near Hollywood, which means that not many, probably, heard 'em on the Coast but it certainly was wholesome and worthy goodwill publicity for the star with the midwest and eastern listeners. The mikes, apparently hidden in the Crosby Xmas tree, picked up the hokey carols of three of the four children, with papa Bing and mammy Dixie doing a little ad libbing. The mother contented herself with the usual "Merry Christmas," Crosby's admonition to the kids, "come you guys," "get into it, men," etc.—as they went for their Xmas presents was sound seasonal sentiment to the air.

Junior crooners also did a little "Snow White" medley vocalizing and Ken Carpenter, who spied, now knows how it felt when an actor played the State-Lake Chi. for breakfast. It's a cinch no actor at any time anywhere got such favorable national publicity as with this 15-minute Sunday morning hookup on NBC-red.

It was great sentimental pushover stuff, well attuned to the season, and as the kids tried out their accorions, drums, etc., the world came into the Crosby home, apparently, to share Xmas cheer with them.

Fred Allen (as heard in Schenectady) gave too much of a New York City background to the first half hour of the last two Town Hall broadcasts. Comedy sequences tended to be over-localized, with situations and references that intrigued studio audience and probably metropolitan area listeners, but which meant less to dialers in other parts of the country.

An extended treatment, for laughs, of demolition of the Sixth Avenue 'El' was one instance of this—how cares or knows in Podunk? The latter shot, there was series of "interviews" and gags about the politeness expected of New Yorkers during the World's Fair. This also carried more guttural dialers in the sticks. And Allen's exchanges with guest telephone inspector contained lines strictly New Yorkese.

Allen, incidentally, still goes inside studio on show business, especially the decline of vaudeville. One crack on the latter which belly-laughed visual audience was: "I know a female impersonator who hasn't worked for two years. You know it's made a man of him" (latter sentence spoken slowly and pseudo-seriously).

Joe Penner's Husky fol-de-rol Thursday (22) was humorous and strongly in the groove for younger listeners. Much portion was the re-telling of the Christmas Carol "Scrooge" to fit Penner and his aides. Scripting was a natural for Penner who was provided with plenty of opportunities to deliver that "Boy, am I a rascal" manner. Tommy Lane, 11-year-old son, contributed "When Shadows Fall" in good voice from New York.

Opener was good for giggles with Penner spotted in the Brazilian jungles building a transmitter to send Christmas greetings home. Between the technicalities of building a transmitter, and the crack—unusually smart—about the California weather, the titters came. Lou Pollack and orchestra, in a few good numbers, best being an arrangement of the expected "Jingle Bells." Commercials digestible.

Richard Barthelmess teamed with Miriam Hopkins on the Rudy Vallee Show Thursday (22) for a dramatic "The Light Thing" which was well done although a little heavy in spots and upstaged Miss Hopkins for most of the few minutes allotted to its presentation. (Barthelmess recently returned from abroad to make a film for Columbia Pictures).

Piece was in the girl and boy motif sans originality. Listening brought various memories of the thing having been done on air before. It concerned a young sales girl who renounces her love because of her eyes scheduled to reach total blindness ultimately.

Barthelmess as the boy wasn't very convincing. Script didn't drive home the point, as supposed to be a misquotation but that's the way he sounded. Possible that impression was garnered because his voice wasn't pitched robust enough for radio. "The Light Thing" tag was evidenced when the two befriended a homeless woman and her baby. Latter discerned Miss Hopkins' unhappiness and made her see how wrong her stance was against marriage with blindness in view. Bit was well done though, Miss Hopkins getting as much as possible out of it.

Jack Benny's Christmas night broadcast was a comedy gem. Inter-

KENTUCKY NATIVITY PLAY

With John Jacob Niles, Herbie Koch, Meador Flawry, Dick Fischer, George Walsh, Wassall Singers

30 Mins.—Local

Sustaining

Wed., Thurs., Fri., 4 p. m.

WLAS, Louisville

Local version of the Nativity Play in the idiom of the Appalachian Mountains, in which is recounted the Annunciation, the search for the inn, the birth of Christ, the flight to Egypt, and the return to Nazareth. Carols and songs used on the program are said to have been sung by descendants of English people who knew them first, some of the carols are almost purely native.

Niles carried bulk of the singing chores, chanting the carols and folk songs in an appealing tenor voice, bordering throughout on the falsetto. His vocalists, who were well sustained and authentic. Musical background was provided by Herbie Koch at the organ, with Niles filling in his own accompaniment at the piano, and dulcimers, a stringed instrument of home manufacture, which came over the ether with a soft strumming effect which registered.

Nativity play presented by Niles and his co-workers impressed as a deeply religious presentation of the Christmas story, and as such will probably be repeated in years to follow, and without doubt, as the play becomes more widely known, might well become an air fixture during the Christmas season.

Production handled by Dudley Musson, who turned in tight job throughout.

Hold.

rupted only by a single hymn, beautifully rendered by Kenny Baker and which, incidentally, was interrupted at all by any commercial. Only one offhand reference in comedy vein to Jello must have left a particularly deep impression for the religious holiday.

Benny has been off-stride lately. His New York broadcasts were especially poor (and not because the visual audience in the east is more sophisticated with the segment he was playing professional football again after slipping back to high school standards).

It is the deadly responsibility of the radio, and the radio, to present the fastest comedy pace ever set in radio. Small wonder from time to time they go stale. Formula stuff was particularly lack-lustre in the business of gold, arriving in, and not missing from, Hollywood (previous weeks), but this time Benny fooled the plot-guessers—there was nothing in the air that got away from previous Christmas.

As a case history in mental picture-making this script could be held up, line for line, for clinical study. It was beautifully rehearsed and employed a variety of a vivid sense of make-believe. Most of the time Benny was script-pictured as on a ladder descending a tree. His self-presentation with the segment was by double-meaning telegram from celebrated guests that regret they can't come, were woven into a routine of doorbanging, quips from the guests, and comic interludes, and a hoke Santa Claus played by Andy Devine (who got stuck in the chimney).

Bennett was the show (a much-booked gal these days) as one who caused Benny to roll sentimentally. She made a perfect foil for the stupor self-deluding character actor which Benny was now developed into a fine art. Benny makes himself likable by making himself slightly absurd, and therefore thoroughly human.

Information, Please, stanza, under the aegis of Canada Dry, has of late got itself into a groove not as high as previously. While this type of program does largely on the mood of the ad libbers, the fault does not appear to lie in the gang's drying up. Rather it seems to hinge on (1) not enough variations in the choice of question and (2) not enough politeness.

Latter angle (the guest stuff) is one of those manias with agencies. But in this instance it falls pretty flat. Just when Clifton Fadiman, John Kieran, Freda P. R. has and Oscar Levant got the hang of a good verbal jam session, the guest ven asserted itself and split the combo. Recent guests such as Lawrence Brown and even Alexander Woolcott were not up to the mark. Kieran and Adams do all the work and the guests get the billing. It's lopsided, and completely needless. The host broke up the original bunch, which couldn't help but improve with experience instead of wearing out.

Fact that the questions after a while tend to be of the same ilk may be unavoidable. Nonetheless, such happens to be the impression. Possible remedy is not to doze, stanzas with too much crazy stuff, but to use the latter only for highlight.

Inside Stuff—Radio

CBS officials last week denied the report that the network was scattering nine members of its New York engineering staff around the country after the first of the year in order to frustrate their alleged agitation within the house union. Explanation which the web advanced for the shuffle was that it felt that the transfers would serve to give the men more experience. Also that it could give engineers now with its managed and operated stations a chance to show their talents in New York.

It's the first time that Columbia has done anything of this sort on such an extensive scale. The nine men were called in last week and given their final checks as CBS-New York employees and told to report on Jan. 3 in such towns as Los Angeles, Charlotte, Minneapolis, St. Louis, Washington and Cincinnati.

CBS' inside union of engineers was formed in 1936 and a five-year contract with the network followed in quick course. Efforts of the American Communications Commission, CIO affiliate, to crash the CBS personnel ranks was thwarted last year when the National Labor Relations Board, acting on a complaint by the ACA, ruled that any vote on bargaining representative would have to be confined to each station operated by Columbia and not made a CBS-national referendum.

Anent the disclosure of the American Map Co.'s device for catching broadcasters who make unauthorized use of copyrighted maps, it was learned last week that NBC maintains its own map-drafting department and thereby exercises a clear copyright over every sort of map turned out by its sales promotion department. The network in making its own base maps resorts to information gathered direct from Government sources.

Five map makers are kept on the job constantly. Extent of this staff's operation is illustrated by the fact that it has traced what rates as the best detailed map of Canada. When the quintet got an assignment to show the coverage of Canadian stations it found that on present Dominion maps one section of the country was broken up in electoral districts, while another was based on census divisions. In reducing all this to a strictly county basis it was necessary for the NBC contingent to build a Canadian map from the ground up.

W9XXZ, experimental radio facsimile broadcasting station operated by the Post-Dispatch which also owns KSD, St. Louis, last week inaugurated the world's first regular broadcast on ultra high frequency of specially prepared facsimile newspapers. For more than a month experimental laboratory broadcasts of printed matter, photographs and cartoons have been in progress, and results studied by the engineers of KSD. During the last two weeks they have been recorded on 15 receiving sets placed in the home of members of the station's staff.

These sets, manufactured by the RCA, are the first capable of receiving high frequency facsimile broadcasts, permitting station operation at any hour of the day. Experimental equipment recently in use by a few other stations employed standard broadcast wave lengths, restricting the period of their use to the early morning hours when regular commercial stations were off the air.

E. M. Storr, operating head of Hearst Radio, Inc., declared last week that the talk he gave the employees of WINS, N. Y., was in the form of an explanation and not a chiding. He assured them that the station would continue to be operated solely by Hearst Radio until the FCC had actually approved its transfer to the prospective purchaser, Milton Biow. He said that he presumed that the staff had become upset by the fact that Biow had contacted several department heads and pointed out that WINS would be glad to accept any business that Biow could mean while send it, just as it would be glad to accept business from any other ad agency. But, he added, as far as operations went, control, authority and everything else would be retained by Hearst Radio.

Al Mitchell, the "Answer Man" on WOR for Provident Loan (his sponsor), on Dec. 23 aired a query from an advertising agency man by stating "Joe Miller's joke book, published in 1739, is not the oldest. There is another joke book much older. Probably first published in 1565, though the oldest edition we have today bears the date 1626. This compendium of humor was called 'The First and Best Parts of Scoggins Jest; Full of Witty and Pleasant Shifts; done by him in France and other places; being a Preservative against Melancholy; gathered by Andrew Boord, Doctor of Physicke'."

A. Walter Socoolow, New York lawyer, is the author of a new work on "The Law of Radio Broadcasting." It comes in two columns. Contents cover broadcasting regulation in its various phases, public utility aspects of stations, broadcaster contracts with advertisers, social security taxes, the artist and the producer, the producer and the author of the broadcast script, new programs, radio and rights of privacy, liability for defamatory content, contest programs and lottery laws, protection of titles and the protection of creative work by common law and copyright.

Cecil, Warwick & Legler, which becomes Warwick & Legler Jan. 1, used a novel and at the same time impressionable device in getting out information of its forthcoming change also in telephone number. Cards were addressed to the phone operators of firms the agency hears from regularly. Under a photo of the girl herself the card, in part read, "Grace McKesson in charge of telephone service, thanks you for your co-operation during 1938." Along with the card came a box of candy.

Clear Again Cold Tablets (Aurora Laboratories) is going ahead with the campaign it has set on a west coast network. It's a twice weekly stint with George Fischer, film chatter. Erwin, Wasey & Co., agency on the account, had temporarily flagged the hookup order when the McKesson-Robbins receivership broke. McK-R was one of the product distributors on the west coast. Same account goes on a Mutual link of 14 stations in the east Jan. 4 with a three-weekly show tagged the "Hollywood News Girl."

Doe and Ike Levy, WCAU, Philadelphia, prez and v.p. respectively, and Jay Paley, uncle of CBS prez Bill Paley, are among principal stockholders of Arrowhead Springs Hotel, which was burned to the ground in the recent California forest fires. Hotel was about to be rebuilt, anyway, according to Doc Levy, who plans a trip to the Coast to look over designs for the new building in a short time.

Ellis L. Manning, conductor of General Electric's "Science Forum" on WCNY, is the new supervisor of science in the State Education Department. He is the first man with professional radio experience (10 years) to become an official of that department. John Garberson has succeeded Manning on "Science Forum" on WCNY.

Arthur Elmer, long a player of "voices" and stooge roles on radio, is striving for some personalized recognition. Has a routine written by Larry Marks and Vincent Bogert. Failed to get together with WOR last week.

Solomon Sagall, managing director of Scopophony, Ltd., English television company, sailed back to England last week, saying that he contemplated returning to New York late in next January.

Russell Seeds, Chicago, is the agency on the "Plantation Revue" which Brown & Williamson underwrites on NBC Saturday nights. Connection was review-accredited in error to B. B. D. & O.

NBC is getting hard-bolled about commercial shows that don't time themselves to end on the nose and to allow the 20-second cushion before chimes. Fred Allen branded a conspicuous offender.

15 Best Sheet Music Sellers

(Week ending Dec. 24, 1938)

*Two Sleepy People	Famous
All Ashore	Shapiro
My Reverie	Robbins
Umbrella Man	Harms
*You Must Have Been a Beautiful Baby	Remick
Deep in a Dream	Harms
Have You Forgotten So Soon?	Berlin
Don't Wait for the Night Before Christmas	Chappell
*We Got a Pocketful of Dreams	Santly
*You're the Only Star in My Blue Heaven	Shapiro
†Lambeth Walk	Mills
They Say	Witmark
While a Cigarette Was Burning	ABC
I Won't Tell a Soul	Crawford
Mexicali Rose	Cole

* Indicates Almusical song. † Indicates stage production song. The others are pops.

ASCAP Raises Salaries, Cuts Melon

Gene Buck Gets \$50,000—Bonus for John Paine—\$1,150,000 in Royalties

American Society of Composers, Authors and Publishers last week distributed \$1,150,000 in royalties to the membership. Plum amounted to 6% less than it was for the final quarter of 1937. There was also a distribution of raises and bonuses for ASCAP officials and personnel. Gene Buck got a tilt from \$35,000 to \$50,000 a year. In addition to a \$5,000 bonus John G. Paine, general manager, received a salary boost, going from \$25,000 to \$27,500. E. C. Mills' stipend remained at \$50,000.

As far as actual collections are concerned, this quarter's divvy represents a bigger return than the one which prevailed for the final three months of '37. What happened at the end of last year was that the ASCAP board voted to transfer a surplus \$150,000 from the foreign fund to the royalty pot for that quarter. It is customary to deduct 10% for the foreign fund from the general collections.

Publishers Accept The Social Tax for Part-Time Hands; Meet with SPA

Music publishing industry through its trade association has agreed to the principle that the employer should pay the social security tax for part-time union employees. Proposition was adopted last week at a meeting of the board of directors of the Music Publishers Protective Association.

It was the only issue left for accord in the new contract between the New York musicians union and the publishing industry in regard to arrangers, copyists and picture. Under the law the publishers are now compelled to take care of the security tax of part-time workers, but the union had asked that this angle be waived from a moral or goodwill basis. All that is now left for the agreement, which would replace the one that expires Saturday (31), to become effective is the ratification of the union's executive board.

Meet With SPA
Board also authorized Walter Douglas, its chairman, to designate a committee of three publishers which shall meet with a like number of delegates from the Songwriters Protective Association for the purpose of collaborating on a new form of standard writers contract. Publisher-writer factions have already agreed on the basic terms of the agreement and it is a question of getting together on administrative, bookkeeping and renewal provisions.

Edwards' Ditties Split

Hollywood, Dec. 27.
List of Gus Edwards songs, rights of which were recently renewed by Witmark and Remick, does not include 'School Days,' 'Sunbonnet Sue,' and several others. Rights to these ditties were acquired two weeks ago by Charles R. Rogers for his picture, 'The Star Maker,' to be filmed in February for Paramount release. Rogers is dickering with Remick and Witmark for sync rights to other Edwards numbers.
Edwards is working on the story, based on his own life.

Lee with Cole

Chicago, Dec. 27.
Marvin Lee has joined the M. M. Cole music firm here as general chief of exploitation.
This marks the return of Lee to music field here after absence of nearly a year.

COIN MACHINE FEE NIXED IN CANADA?

Montreal, Dec. 27.
Justice A. K. Maclean, chairman of the Copyright Appeals Board of Ottawa, is reported to have turned down the plan of the Canadian Performing Rights Society for the collection of a fee on coin-operated machines. CPRS had suggested that the machine manufacturers be made to pay a fee of \$10 per year.
Until last year owners of restaurants, hotels and stores housing coin-operated machines paid such fee. After they had been exempted by Parliament, the appeals board was advised to figure out some way that this fee could be collected from the manufacturers direct. The proposal for the \$10 fee was advanced Nov. 1 by CPRS along with its general scale of fees to apply during 1939.

Confiscate Bootleg Sheets

Philadelphia, Dec. 27.
Philly plainclothesmen, preceding the Christmas holidays, were chasing song-sheet peddlers from downtown streets and confiscating their stocks.
More than a score of them with gyp sheets were given the boot, but no arrests were made.

ELECTRONICS TO UMPCHAY OLD MASTERS

Detroit, Dec. 27.
Symphs will be wired for sound and the conductor's podium will resemble an electric switchboard in the not-too-distant future, according to Dr. Vern O. Knudsen, U. of California physicist.
"I'm convinced that the great compositions of Beethoven, Wagner and other musical masters will seem inadequate and childish alongside the music to be produced in the future with the aid of electrical instruments," declared Dr. Knudsen, who has pioneered in the new field of electro-acoustics.
Beethoven composed his masterpieces on a piano with a range of 35 and 80 decibels (sound unit), Dr. Knudsen pointed out, while the electrical instruments of the future will have a range of 25 to 100.
"The greater tonal range will make possible compositions of infinite variation," he asserted. He revealed that two composers, Leopold Stokowski and Arnold Schoenberg, are now working on special compositions for the electrical instruments.
He predicted that it would take from 25 to 50 years before electrical instruments really came into their own.

GEORGE SCHOTTLER'S WARM-OVER SPECIALS

Latest move of the Warner Bros. publishing group to get special exploitation for its standard catalog is the assignment of George Schottler to the Standard and Education department of Witmark, Harms and Remick.
Schottler, who formerly plugged current tunes for Remick, will work on numbers that are deemed worthy of revival for radio.

Paul Whiteman's 8th Jazzique Rally Gala; Six 'First Performances'

By ABEL GREEN

Paul Whiteman's 'eighth experiment in modern American music' Sunday night (25) at Carnegie Hall was a sellout, and justifiably so, excepting that the ratio of turnaways this year exceeded anything before. Indicating (1) the continued sturdy Whiteman b. o., but, even more important (2), that the scope for jazz idiom disciples is ever-increasing.

No question but that the 1937-38 span has been a heyday for all hands.

With Whiteman, of course, in 1938, as it was in 1924, when it was quite daring for any jazz band to invade (the late) Aeolian Hall, these concerts possess a greater dignity and polish than recent freak experiments in swingology. For 15 years now, Whiteman has been pioneering this movement to permit new composers an important outlet, at no small expense to himself. Even one-night Carnegie Hall sellouts can't compensate for the investments for augmented 100-piece orchestras, rehearsals and exploitation.

In 1924 George Gershwin's 'Rhapsody in Blue' premiered. Sunday night six 'first performances' of new jazz works were as brilliantly performed, although if not as lastingly.

With Deems Taylor, as usual, wittily announcing bright program notes, a 40-minute anthology of 'Those Bells,' in six parts, teed off the program. Bert Shefter, Duke Ellington, Fred Van Epps, Walter Cross, Roy Acuff and Earl 'Big Boy' Zola each was apporportioned a musical idea, each treating it individually and independently of the others. Besides composing his own 'Quonk,' Van Epps arranged Ellington's 'Blue Bells of Harlem,' one of the more brilliant interludes, notable for its brisk trumpet work and the snare-drum impressions of Bill Robinson's tapstering.

Walter Cross scored his own piece, with himself at the Steinway, using only a miniature combo of get over the 'Cowbell Serenade.' Whiteman's assistant conductor, Roy Barry, and the band's No. 1 pianist (with Frank Signorelli) charmingly interpreted the Sabbath harmonies, lebeled 'Seventh Day.' Morton Gould's 'Ben Figue' was as sprightly as the 'scholarly jazz,' not as sprightly as the rest, but replete with intelligent counterpoint.

16-Minute Blues

As if to appease the in-the-grooves, Artie Shaw's clarinet soloing of his own composition, 'The Blues,' stood as a distinctive feature in performance with the full Whiteman orchestra. Irving Szathmari scored it, and Shaw got things out of his E-flat clarinet that were amazing in

sheer virtuosity. His blends of the immortal 'St. Louis Blues' were but incidental to the original minor Semitic strains which the major Magyar mood of the 'Blues.'

Nathan Van Cleave's 'Opus 1, Number 1' is not as academic as that tag would indicate, although erudite in its jazz treatments. Gershwin's 'Cuban Overture' finale the first half, with Rosa Linda at the piano-forte. This little known rumba-jazz work is a skillful blend of the Cuban motif with the blues idiom, and much goes to Miss Linda's credit, both for its interpretation and the cadenza she contributed to the midsection thereof.

Richard Rodgers' 'Nursery Ballet,' another first performance, reopened the second half. Its three movements of 'March of the Clowns,' 'A Doll Gets Broken' and 'Little Girls Don't Fight' were well developed.

Raymond Scott, with three of his Quintet, used Three Ideas for Quintet and Orchestra, all original pieces, scored by Irving Szathmari and the composer-maestro. 'Bumpy Weather Over Newark' speaks for itself; 'Sulicide Cliff' is based on the Vista del Arroyo bridge in Pasadena, which supposedly inspires to self-destruction; and 'Mexican Jumping Beans' also had its Coast origin, being inspired by a visit to Olvera street in downtown Los Angeles.

Ferde Grofe's Trylon and Perisphere proved a thoroughly musically work as premiered by Whiteman, and as the title implies, dedicated to the New York World's Fair.

Louis Armstrong, backed by the Lyn Murray Singers, whammed 'em with 'Shadrack,' Robert MacGinley's rhythmic 'Clarinet,' and 'I'm in the traditional 'Going to Shout All Over God's Heaven.' Satchmo appeared sans trumpet, but as a scatsinger.

And, of course, Gershwin's 'Rhapsody in Blue' finale, bringing the program to conclusion well after 11, due to a last-minute decision to put part of the concert on the air, although originally not intended for broadcast. This deferred the curtain until 8:45.

Whiteman's all-American band, as he calls it, has the following personnel:

Roy Barry, asst. conductor; Jules Schachtel, concertmaster; George F. Souter, personnel manager; Ted Bartlett, violins; Maurice Anchor, Rafael Galindo, Emanuel Green, Jack Barton, alto sax; Max Miller, Wm. Lockwood, Wm. Dambinsky, Aldo Ricci, George F. Souter, George F. Souter, Ewald Palatine, Sam Varner, Jr., Jascha Ruckhiser, Frank Stribble, John Daniloff, George F. Souter, George F. Souter, Mike Fingertore, piano; Frank Signorelli, piano; Jacob Altschuler, Harry Bransky, Max Freeman, Joseph Kovarik, leader Epstein, Samuel Zimbalist, George F. Souter, leader Harry London, Domingo Gato, trombones; Cliff Mole, Jack Teagarden, Vincent Grand, Hal Rosson, George F. Souter, George F. Souter, Chasney Brown; tuba; Herman Hoffert, George F. Souter, George F. Souter, winds; Al Gallodoro, Sam Franzella, Jr., Frank Gallodoro, Artie Drelinger, Murray Cohen, Vincent Grand, George F. Souter, leader Felman, Jack Bell, Anton Maloy, Miles Ferguson, George F. Souter, George F. Souter, trumpets; Robert Cusumano, Robert Alexy, Charles Teagarden, Harry Goldfield.

Network Plugs, 8 A.M. to 1 A.M.

Following is a totalization of the combined plugs of current tunes on NBC (WEAF and WJZ), and CBS (WABC) computed for the week from Monday through Sunday (Dec. 19-25). Total represents accumulated performances on the two major networks from 8 a. m. to 1 a. m. In 'Source' column, * denotes film song, † legit tunes, and 'pop' speaks for itself.

TITLE	PUBLISHER	SOURCE	GRAND TOTAL
Night Before Christmas	Chappell	Pop	53
Deep in a Dream	Harms	Pop	42
Two Sleepy People	Famous	*Thanks for the Memory	35
Whispering	Chappell	Pop	34
This Can't Be Love	Chappell	*Boys from Syracuse	34
All Ashore	Shapiro	Pop	34
*You Must Have Been a Beautiful	Remick	*Hard to Get	33
My Reverie	Famous	Pop	31
What Have You Got That Gets Me?	Famous	*Artists and Models	29
Hurry Home	Spier	Pop	29
They Say	Witmark	Pop	25
Simple and Sweet	Miller	Pop	25
Ya Got Me	Lincoln	Pop	22
What Do You Know About Love?	Marks	Pop	22
Old Folks	Remick	Pop	22
Thanks for Everything	Robbins	*Thanks for Everything	21
Get Out of Town	Chappell	*Leave It to Me	20
Heart and Soul	Famous	*A Song Is Born	19
Have You Forgotten So Soon	Stansy	Pop	19
Love, I'd Give My Life for You	Stansy	*Hollywood Revels	19
Who Blew Out the Flame?	Feist	Pop	18
Old Curiosity Shop	Feist	Pop	18
I Go for The	Harms	Pop	18
Umbrella Man	Harms	Pop	18
You're Gonna See a Lot of Me	Ager	Pop	18
Girl Friend of the Whirling Dervish	Harms	*Garden of the Moon	17
Room with a View	Bregman	Pop	17
I'm a Lonely One	Bregman	Pop	16
I Must See Annie Toni	Bregman	Pop	16
Say It with a Kiss	Witmark	Pop	16
I Won't Tell a Soul	Crawford	Pop	15
Sixty Seconds Got Together	Santly	Pop	15
Between a Kiss and a Sigh	Chappell	(S)ing Out the News	15
You Look Good to Me	Bregman	Pop	15
I'm Madly in Love with You	Santly	Pop	15
Please Come Out of Your Dreams	Mills	*Cotton Club, N. Y., Revue	15
My Eyes Are Bigger Than Your Heart	Berlin-Music	Pop	13
I Long to Belong to You	Shapiro	Pop	12
Angels with Dirty Faces	Red Star	Pop	12
Sing for Your Supper	Fisher	*Angels with Dirty Faces	12
I Fell Up to Heaven	Chappell	*Boys from Syracuse	12
Lovely	Paramount	*A Song Is Born	12
When Has My Little Dog Gone?	Fox	Pop	11
When Paw Was Courtin' Maw	Robbins	Pop	11
Ferdinand the Bull	Santly	Pop	11
While a Cigarette Was Burning	ABC	*Ferdinand the Bull	10

DREYFUS BUYS T. B. HARMS CATALOG

Max and Louis Dreyfus have bought back T. B. Harms, Inc., catalog from Warner Bros. Quoted price is \$175,000. Main value of this catalog is that it contains the works of Jerome Kern, for whom the Dreyfuses originally organized the company. Under the deal which the Dreyfuses made with WB when they disposed of their share of the T. B. Harms catalog in 1935 Kern was to receive two-thirds of the firm's profits.

Since the change in ownership Kern has made no contributions to the catalog. The change is that this catalog will again become active, absorbing the future works of Kern and other writers under contract to the Dreyfuses. Latter's other firms are Chappell & Co., Crawford Music Corp. and Mario Music Co.

Louis Dreyfus sailed for his London headed on Monday (26) after a 14-week visit on this side.
Chet Forrest and Bob Wright clefted 'I'd Rather Have You' and 'Director's Recitation' for Metro's musical brief, 'Happily Buried.'

Russell Bennett, RKO music director, is slated to compose orchestral music for water displays at New York World's Fair.

COLLEGE RHYTHM

The eighth of a series of articles on collegiate likes and dislikes are regards dance music and dance bands.

The writers, staff members of publications at their respective schools, have been asked by VARIETY to give the opinion of the student body as a whole rather than pass personal judgment. Neither has VARIETY given further instructions as to what was to be said or how. These articles appear as the undergraduates have written them, with the expressed opinions being their own.

VARIETY publishes the series to give music men and band leaders a cross-section of current undergraduate opinion on dance music and bands, with the hope that it will be both informative and instructive. For what the college group has to say about dance music is deemed important in the trade.

STANFORD

By Collie Small, '39

(Stanford 'Chaparral')

Until that thing called swing has a long white beard and hobbles around the clefts on a cane, the soul of the Stanford 'Farm' refuses to rock violently, but neither will it ever swing gently with moon-stricken eyes to the dulcet slitherings of Guy Lombardo and Jan Garber. Instead, the campus rhythm connoisseurs are following the 'golden mean' of smooth solidity, with occasional hot licks and blue solos in front of clearly defined backgrounds.

The undergraduate has a spot reserved in his calloused heart for hating small combinations such as Stuff Smith and Bobby Hackett. He generally makes no effort toward the appreciation of technique, relying instead upon the music's effect upon his ear, and he generally finds his delicate senses injured by the cacophonous results of collective improvisation. Music is looked upon primarily as an accompaniment to dancing, and if it fails to meet tersichorean standards, then it is automatically given back to the jitterbugs. However, there is a rabid, but small, minority that finds itself in the clouds with such releases as Eddie Condon and his Windy City Seven's 'Carnegie Drag' or 'Serenade to a Shylock,' both issued by the Commodore Shop. The sole dependence upon inspiration results in too much unbridled musical passion on the part of the performers for conservative, normal Stanford, and so the albums are noticeably free from heat. Bud Freeman's tenor solos with Benny Goodman, for example, excite a lot of enthusiasts who are left cold and stiff with his Gang's dreams of 'Tappin' the Commodore Till' and 'Life Spears a Jitterbug.' The arches whisper, 'It must be solid!'

Stanford's failure to latch on more strongly is probably due to its location in a region where good swing bands come about as often as Leap Year. Red Norvo and Mildred Bailey played an engagement in a San Francisco hotel last year...you could have driven a tractor across the floor or shot a deer in front of the piano! Still, Mr. and Mrs. Swing are getting a larger record following each day, and their first 18 bars of subtle saxes on 'Remember' continue to be the finest reed ensemble passage yet worked out.

Goodman, Shaw, Kirk, et al.

Mellow matter fills most of the racks, and it is this gentle rock of some of Benny Goodman, Artie Shaw and Andy Kirk that holds the head of swing above the water-line. Shaw's soft, delicate cradling of 'Begin the Beguine' is undoubtedly the best received swing tune of the past two years here on the plain of oaks. Kirk's mildness and his vocalist, Pha Terrell, are his saving features, so the campus says, and it is almost pointless to say that the entire student body salaams with bended ears to His Royal Highness, Goodman, the King of Swing.

Tommy Dorsey is remembered only by his 'yelling-bee,' 'Marie,' and his Clambake Seven are practically nominated for oblivion. Larry Clinton is a popular recording band on the Farm, principally because of novelties such as 'Dipsy Doodle' and his operatic slaughterings. His bit of feminine charm, Bea Wain, is one of the best liked singers in the entire sphere of popular music. Seniors will recall that Jimmy Dorsey was better received than anyone else for campus dances, including Fletcher Henderson, who came to last spring's Junior Prom with a great name but

no band. Kay Kyser, Sammy Kaye and Blue Barron are fortunately disliked enough locally so that they cancel one another. Now that Horace Heidt has instituted an inferior brand of machine-gun brass, Hal Kemp has been lightly tripping down the hill of popularity, while the aforementioned Heidt lies contentedly at the bottom of the dark well.

Stanford finds Eddy Duchin and Wayne King too much the Mickey Mouse type, and Ray Noble is not far behind. On the other hand, Jack Hylton's 'Just a Gigolo' earned him enough votes to keep him out of the kangaroo class for a time. 'Bob' Crosby and his Dixieland rhythm has mustered a large following so rabid that most of them refuse to lend an ear unless the score calls for a wild clarinet on top of a wave of improvisation.

Harlemiana

Perhaps the highest place among colored bands is occupied by Duke Ellington, even though he is too ponderous at times and his arrangements are too intricate to follow easily. Jimmie Lunceford, if such discs as 'White Heat' can be separately regarded in the class of 'race' tunes, is exciting, especially in so far as his ramblings in the reed section are concerned. Fats Waller's illegitimate hog-calling blots out, for most of his listeners, the technical greatness which is his. Earl 'Father' Hines is paradoxically 'forgotten but not gone,' as is Claude Hopkins, their throats being usurped by bands such as Chick Webb, Count Basie, Erskine Hawkins and Willie Bryant. Campus collectors are just learning to appreciate the latter two, while the team of Webb and Fitzgerald has long been a favorite and Basie has excited the more dyed-in-the-wool swing fans for many months.

If the band fails to exhibit originality or style, then the almost too critical Stanford undergraduate will ignore it. Thus, nothing is heard of Leo Reisman, Richard Himber or Rudy Vallee, unless they respond to public disdain by occasionally releasing such novelties as Himber's 'Parade of Bands' or Vallee's convincing imitation of Chevalier. Paul Whiteman is still respected because he is the original 'King of Jazz,' but if his name were Benny Benson his attraction would be negative.

Except for the offerings of Sonny Dunham, Clarence Hutchinson and Murray McEachern, the Casa Loma band no longer occupies a star-studded position with the Stanford reviewer of really tough swing. The campus as a whole, however, still likes Glen Gray's enchanting smile, his broad shoulders, and his drawing room swing. More specifically is Pee-wee Hunt acclaimed for his vocal gymnastics with the head-bobbing vibratos.

Stanford judges its music on how it strikes the ear, and it is this intelligently selected criterion which demands solidity, smoothness, subtlety, and definite rhythm. Swing, in its milder forms, is undoubtedly the prevailing favorite among discerning Farm undergraduates, the proof of the pudding coming when Jimmy Dorsey and Phil Harris caused the campus to sigh, as did Eddy Duchin, but in a much more forceful manner! Music in the arches must be in a mellow groove, and the rock must be gentle!

Although nurtured on the anemic breast of violin-studded hotel dance bands, the Stanford babe is on the verge of being weaned away to San Francisco's first name-band palace, the Shalimar Bowl, scheduled to open Jan. 12. Gene Krupa has been accorded the first crack at putting a rock into the Stanford soul.

(Next week: Missouri)

Inside Stuff—Music

Because it failed to act before the deadline set for the new form of mechanical license became effective (Nov. 28) Decca is in a quandary about recording 'Umbrella Man' (Harms). Warner Bros. publishing group last week declined to issue the phonograph record manufacturer the old form of license, which did not include the clause requiring the licensee to recognize the copyright owner's exclusive right to make arrangements. Position taken by WB was it would be glad to issue a license calling for a royalty of 14c. on records made for home use, providing this latter restriction by the arrangement angle were accepted. Decca rejected both stipulations.

Bugaboo over whether he would have an untrammelled hand in operating Leo Feist, Inc., is stymieing the deal for Harry Link, professional manager of Irving Berlin, Inc., coming to the Feist firm as general manager around Jan. 1. Link has had this bid under advisement for months, including a reported 5% participating interest not only in Feist but the other two Metro music subsides, Robbins and Miller. Since the step-out of Jack Bregman and Chester Conn, Jack Robbins has been commuting among all three firms, and particularly trying to run Feist's leaving his Robbins Co. to Abe Olman's management, and Miller Music to Willie Horowitz.

'I'll Always Remember Ronkonkoma,' a 'theme' song for that Long Island lake resort, was allegedly plagiarized by Harry Revel and Mack Gordon, according to Charles McCord, author of that song. The suit, pending for some months, was settled last week for a nominal sum, after Gordon and Revel, in November, came east to defend it. A stipulation of dismissal was signed in N. Y. federal court.

Their song, 'Good Night My Love,' from the 20th-Fox film 'Stowaway,' allegedly infringed.

Chaney and Fox, the dancers, have written a song, 'The Eleanor Glide,' which stems from their introduction of dance of this name in honor of the President's wife. Song has Harry Link and Nick Kenny as godparents and was composed at Lindy's between soup and salami. Was played same night written by Sonny Kendis at the Stork.

'FROM SPIRITUALS TO SWING,' N. Y. CONCERT

By ROBE MORRISON

Purporting to show the common derivation of both types of music, a concert 'From Spirituals to Swing' was sponsored last Friday night (28) at Carnegie Hall, N. Y., by a leftist mag. Wide variety of artists participated, from Count Basie's orchestra to Mitchell's Christian Singers and Sanford Terry, blind harmonica player. Affair was 'conceived and produced' by John Hammond, a jitterbug savant.

Although parts of the program were irresistibly arousing, notably Count Basie's swing and the throbbing 'boogie-woogie' piano playing of Albert Ammons, Meade 'Lux' Lewis and Pete Johnson, other portions of the bill were a distinct wash-out from a commercial or popular standpoint. Besides the above-mentioned clicks, others who ignited audience enthusiasm were Sister Rosetta Tharpe, singer of jazz spirituals currently at the Cotton Club, N. Y.; James Rushing, Basie's roly-poly vocalist, and Ruby Smith,

niece of the late Bessie Smith, in whose honor the concert was given. Balance of the show brought Joe Turner, Kansas City shouting vocalist; Big Bill Chicago jazz singer and guitarist; Helen Humes, another Basie vocalist; Sidney Bechet with a pickup swing group and various combinations of the Basie outfit. Bill opened with the playing of what was described as a recording of African tribal chants.

Famous Notes

In addition to the self-conscious and pompous program notes for the concert, the occasion was notable for the calm manner in which the Negro members of the audience were able to listen to the music, whether spirituals, swing or a combination of both. In contrast were the jitterbug antics of some of the white enthusiasts, who hopped and squirmed through the entire evening. However, if the evening accomplished nothing else, it presented in the ivory-thumping of Hammons, Lewis and Johnson as impelling a session of rhythm as one could hope to enjoy in a month of jam sessions.

Bing Crosby and Frances Langford waxed a series of Victor Herbert numbers for Decca.

DANCE TAKE IS BIG; OTHERS B.O.S OFF

Lincoln, Dec. 27.

Dance biz is getting the coin in this zone. No other amusement could turn up nearly \$2,600 in two nights a week before Xmas but such was the case at Turner's Casino. Wayne King led off with \$1,400 on Friday (18) and Henry Busse followed in the next night (17) with \$1,150. It was King's first stand in this section and Busse's third in as many years.

Meantime, biz was as usual at the town's other two dance places. Busse bucked an intersectional basketball game, college vacation and late store openings for Xmas shopping, as well as the seasonal downbeat.

\$250-a-Week Park Ave. P. A. Suing Whiteman For \$8,250 Claimed Due

When Mrs. Margaret Whiteman, who handles her husband, Paul Whiteman's, business affairs, renewed Benjamin Sonnenberg, their \$250 a week Park avenue press agent, on a week-to-week basis, the latter thought that constituted a full year's contract. Accordingly he's suing for an alleged difference of \$8,250 to date, on the ground that's the balance so far accruing.

Originally retained for 13 weeks, which expired last June, Sonnenberg was kept on by the Whitemans and their Artists Management Bureau on what, they thought, would be a weekly basis, sans specified contract, since the p. a. agreed he was still working on some fancy exploitation ideas which would materialize in renewal of Whiteman's Chesterfield radio contracts, etc. In October he was let out and the Tom Fitzdale praisery was engaged by Whiteman.

KYSER JOINS LONGHAIR CONCERTIZING GROUP

Kay Kyser joins the list of maestros going serious when he and his sweet crew give a concert of light classics at the Boston Symphony Hall New Year's night. It's the first appearance of the sort for Kyser, who has never done anything outside of radio, theatre or ballroom stuff. Crew will grab a sleeper out of New York New Year's Eve, after finishing at the Hotel Pennsylvania, where the Manhattan Room of the Penn will be closed New Year's night. Kyser will be back on the job Monday (2).

Other leaders who have exhibited a yen for the longhair atmosphere in the past have been Benny Goodman, Artie Shaw, Louis Armstrong and Raymond Scott, with Goodman the most active of all. Shaw, Armstrong and Scott appeared with Paul Whiteman at a concert at Carnegie Hall, N. Y., Christmas night.

THE HOUSE OF 1000 HITS

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WHAT DO YOU KNOW ABOUT LOVE

Watch Out For AMONG THOSE SAILING

Xavier Cugat's NIGHT MUST FALL

Emery Deutsch's BEAUTIFUL DANUBE No Wonder You're Blue

Joe Cherniavsky's STRANGE

EDWARD B. MARKS

OLD SONG SUGGESTIONS

FOR YOUR PROGRAMS JIMMY McHUGH'S

"I'M SHOOTING HIGH" ROBBINS MUSIC CORP.

SONGS FROM ROBBINS

A Smash Hit
MY REVERIE
By Larry Clinton

Gordon and Revel's Latest Song Sensation!

THANKS FOR EV'RYTHING

20th Century-Fox Picture, "Thanks for Everything"

From the New Universal Picture, "That Certain Age"

MY OWN

By Jimmy McHugh and Harold Adamson

The Newest Ballad Song Smash!

AFTER LOOKING AT YOU

By Al Hoffman, Al Goodhart and Manny Kurtz

This Year's Greatest Novelty Hits!

WHERE HAS MY LITTLE DOG GONE?

By Al Feldman

I FOUND MY YELLOW BASKET

By Ella Fitzgerald and Chick Webb

ROBBINS MUSIC CORPORATION

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MIDWEST'S NITERY PURGE

AFA Backs Girard as Law Officer In Philly; Seek Agent Franchising

Philadelphia, Dec. 27. Effort to keep Vic Girard, local State enforcement officer on agency laws, in office when the new Republican regime takes over Pennsylvania, will be made by the American Federation of Actors, Tom Kelly, AFA biz agent here, said yesterday. Girard is an active Democrat, but Kelly declares he feels he has done enough good work here to justify the GOP retaining him.

Entertainment Managers Association, on the other hand, is prepared to fight for Girard's dismissal and the appointment of a man of its choice. EMA maintains Girard has failed to enforce the law governing their activities. Many intend to ignore renewing their licenses until another enforcement officer is placed on the job, claiming the State is failing to live up to the contract for which they pay \$100 to operate.

Both AFA and EMA are in favor of a license commissioner, similar to New York's Paul Moss, but with less power, in place of the present system, whereby an employee of the Department of Labor and Industry checks on them.

Long-delayed campaign by the State to force outside bookers to get licenses here, or work through established local offices, will get under way this week, Girard has declared, with Kelly cooperating. Kelly said he never before tried to obtain enforcement of the law governing foreign agents of Philly bookers in the past always sided with the outsiders, practically all from N. Y. In the hope of thus getting additional biz for themselves, Kelly said, the Philly agents asked him to lay off. Now, however, they've changed their tunes, he declared, inasmuch as it's not working out so well. If licensing law is enforced, it'll cost the outsiders \$100 and a bonding fee.

AFA is also planning to franchise agents here as in N. Y. Kelly is going to New York, Thursday (28) to get further info on this aspect. Movement along this line will be slow, however, Kelly said, as he wants to get as many AFA closed shop agreements with niteries as he can before going after the bookers.

ASK SHOWS NIX IN PA. CAFES UNDER CLUB OK'S

Pittsburgh, Dec. 27. Bombshell tossed into the lap of a number of thriving niteries here last week when Judge Frank P. Patterson suggested to Pennsylvania State Liquor Control Board that entertainment be forbidden in places that have club booze licenses. Statement was made as he dismissed an appeal of the Allegheny Athletic Association on revocation of its license. Judge Patterson stated floor shows were held there.

Private club licenses in this state cost considerably less than in this carets. Flock of spots of this sort have mushroomed lately, with membership being open to practically anybody and places being operated virtually as regular niteries. Once inside there are couverts, flesh, dancing and music.

One of town's swankiest gambling spots, which lost its booze license last spring, has found its own way of keeping 'within the law.' Charges a flat admission charge and for this provides dancing, floor show, dice tables, roulette wheels and 'all you can drink' as a 'gift' on the house.

3 Held in Cafe Holdup

New Orleans, Dec. 27. Three men were arrested on charges of assault and robbery last week in connection with the \$157 holdup of the Brown Derby niterie here, Dec. 18. They were Edward Wilson, Louis Hayes and Deamus Barconey.

All three signed statements admitting the robbery, police reported.

Ice Skater Enjoined In Billing Dispute

Los Angeles, Dec. 27. Lois Dvorshak Simpson, ice skater, has been enjoined from appearing with any ice show other than the 'National Ice Follies' until the expiration of her contract.

Injunction was the outgrowth of Miss Simpson's damage suit against the 'Follies,' charging breach of contract and fraud. Skater claimed the management failed to bill her in a manner justified by her ability, and had cancelled the pact when she asked for better billing. Miss Simpson recently appeared with the troupe in the Metro picture, 'Ice Follies of 1939.'

AGENT-MGR. LOSES PLEA

What appears to be a minor commission claim has major importance in the relations of agents with actors. The Appellate Term of the New York supreme court, in affirming Judge John O'Rourke's previous decision dismissing a \$1,000 commission claim by Robert Earle, Chicago agent, against Burton Pierce, dancer, has ruled that 'personal management appears to be a minor incident alongside the major objective of getting employment for an actor.'

Thus, Earle's 28-33% management commission was thrown out. When he signed up Pierce first in Chicago, the

(Continued on page 36)

DRIVE TO CLEANSE SMUTTY SHOWS

Nudity, Femme Impersonations Among Practices Adopted Recently by Smaller Spots Due to Stiffening of Competition—Legit Turns, Agents Shy Away

ANYTHING GOES

Chicago, Dec. 27. There's a general tightening of morals squad supervision over niteries throughout this territory. This follows the recent efforts of the smaller niteries to blow the lid right off their shows.

Nudity has become matter-of-course in nearly all the small spots in the midwest key cities due to the stiffening of competition. Nine spots in Chicago, Detroit, Minneapolis, Kansas City, Omaha, Des Moines, Indianapolis and others which formerly held down the stripping have now removed these nixes, with the gals now even tossing away the last bead. In the more modest spots management insist that the operators change to a blue light when the gals slip off the final string. But other niteries look upon this practice as simply old-fashioned prudishness.

Golging the Limit

The cafes are now branching out into other blue business, going the limit on comedy songs and crossfire, jitterbug and Conga dances, and, finally, femme impersonations.

(Continued on page 36)

More Vaudeville Time Seen Near As Chicago's Variety Houses Are Held Too Much Competish for Pix

Tony Martin, Lola Lane Head Fox Bill, Detroit

Detroit, Dec. 27. Tony Martin, who broke season's record at the Fox last spring in two-week stand, has been rebooked by the Fox to head New Year's week stage show.

Others on bill will be Lola Lane of the films; James Evans, juggler; D. I. Rios, adagioists, plus house line and Sam Jack Kaufman's pit band.

SS DRAWS CLUB BOOKERS' LINE

Club-date bookers in New York were classified as employers last week by the Social Security Board and as such are responsible for collection of taxes from acts, plus tax payments from their own percentages. Action followed that of the Unemployment Insurance Bureau which ruled similarly on bookers recently.

Decision is alarming many bookers who fear they may be driven out of business if forced to pay back Social Security taxes. Ruling is retroactive and would require payment of taxes from the inception of Social Security to the present. Some bookers have become licensed as agents

(Continued on page 36)

Chicago, Dec. 27. Vaudeville revival, starting in the Loop and spreading throughout the city and then into the entire midwest is seen by theatre owners. This follows the reopening of the State-Lake here with an eight-act policy, which brings four vaude houses into strong competition with each other in the Loop.

Battle for talent is resulting and it's looked to bring about, firstly, the spread of bookings and secondly, to force straight film theatres into flesh policies. With Balaban & Katz, Jones, Linick & Schaefer and RKO at each other's throats for talent, all three are searching for further vaude outlets so they can offer the acts route of several weeks instead of a single Loop week.

B&K to Reopen Nabs

B&K is now planning to reopen a couple of its big nabe houses and contract the acts for three to four weeks, while RKO is preparing to tie in both eastern and midwest dates to lay out a route. J.K. an indie, has considerable strength due to its booking affiliation with several houses in this territory, particularly in Memphis and Kansas City.

B&K is looking towards the resumption of vaude in the Northshore, Southtown and the Senate for its booking strength. Northshore is starting a weekend policy after the first of the year, while the Senate will buck the next-door indie Kedzie. The Southtown will compete with Warners' across-the-street Stratford, which has been successful with weekend variety.

Suburbans to Follow From that point exhibitors see a steadily widening circle of vaudeville due to competition. With the Chicago top houses in vaude, the outlying suburban theatres are expected to follow in order to keep their patrons from jumping into Chicago for a squint at flesh.

Already exhibitors from Peoria, South Bend, Ft. Wayne, Dubuque, Waukegan, Rockford, Rock Island, Burlington and other towns within a radius of 100 miles of Chicago are contacting local bookers with a view towards lining up vaude bills shortly.

New Atlanta Vaudeur

Atlanta, Dec. 27. Roxy theatre, nee Georgia, will light up Friday (30) night under new management with vaudeville policy. House, formerly under Lucas & Jenkins, Inc., has been dark since summer.

House leased to Independent Theatres, Inc., which has effected tieup with New York interests. Lessors are C. D. Loewe and M. J. Baranco. Latter will manage.

Alice Cornett, Three Esquires, Don Zelaya, Tom Emerson's Mountaineers and Gae Foster Girls are on the bill. Fourteen-piece band in pit will be batoned by Mike Segal, localite. Picture will be 'Keep Smiling' (20th).

ST. LOUIS POLICE SHUT 10 GAMBLING HOUSES

St. Louis, Dec. 27. Gendarmes in 48 hours closed 10 gambling houses last week in this vicinity.

The recent cleanup policy inaugurated by Madison county officials resulted in all gambling operators abandoning that territory for that of the adjacent St. Clair county, of which Belleville is the seat.

3 Bonos' French Pic

Philadelphia, Dec. 27. Three Bonos, comedy act, have cancelled American bookings to return to Paris for a French film.

After making the picture, the Bonos will form a vaude unit, produced by Johnny Bonos, before returning to U. S.

Third of a Century Anniversary Number

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N.Y. H'WOOD LETS 2 OF ITS 5 BANDS GO

Hollywood Restaurant, New York, sliced its \$5,800 weekly nut for its five dance bands last week when Red Stanley and the Manchito rumba crew exited. Both had been stationed in the Hollywood Deck, on the street level and had been signed for two weeks. Others are set for from 6-10 weeks.

This eases a situation that once had the Hollywood management up a tree. Five bands had been signed prior to the Hollywood's re-opening by different persons who were on the scene when plans for reopening were made, but who left it prior to the debut. Crews had contracts so there was nothing to do but play 'em. Situation had been up for arbitration before Local 802 of the American Federation of Musicians before the spot opened. Exits leave Lee Shelley, Seger Ellis, and the Rimacs still swinging.

Picchianis Call Off Indpls. Date After Truck Crash

Indianapolis, Dec. 27. Picchiani Troupe, acrobats, was unable to fill week's stand here, opening Friday (23), when truck skidded off icy roads into a ditch in mountainous country near Wheeling, West Va., that morning. Troupe had been en route from New York. Truck containing equipment was badly damaged, although none of the performers was injured seriously. Three Reddingtons were obtained from Chicago to replace.

Water Kelly in Hosp

Philadelphia, Dec. 27. Walter C. Kelly, the Virginia Judge, was brought to a Philadelphia hospital last week from Hollywood, where he suffered severe head injuries in a street fall. Jack Kelly, Democratic leader of Philadelphia, flew to the Coast to bring back his brother.

**WILLIE and EUGENE
HOWARD**
"Hollywood Hotel" Revue
TOURING
Fuller Circuit, Australia

For Address
WM. MORRIS AGENCY
NEW YORK

Nitery Purge

(Continued from page 35)

Femme singers with tunes that come off the back of barrels and fences; jitterbug femmes with skirts but no underdress; rumba dancers who make Patina look like a WCTU leader are among the latest wrinkles. A rebirth of the boys-will-be-girly entertainment has lifted the eyebrows of the coppers particularly.

These conditions have brought about a wave of complaints to underworld agents. Even the newspapers, which have been pretty silent about the entire situation, are joining in the campaign. Several, which formerly allowed almost anything in their ads, are now censoring copy carefully and in the more flagrant spots are refusing to carry any copy. These spots which try to run at least one real vaudeville-type act on the bill are now finding it difficult to get any legitimate turn, the acts realizing their appearances in these niteries will stamp 'em with a rep that won't come off easily. Better nitery agents, too, are nixing any negotiations with these spots. Result is that the stag show bookers are handling these spots almost exclusively.

Six Cities Probed

Investigations are now underway in six key cities in the midwest and there is a report that several agents for these joints will run up against Federal charges due to the shipping of femme talent across state borders.

Parents-and-Teachers Associations are particularly active in the new drives, due to the number of high school kids being attracted to the honkies. The American Federation of Actors is understood to be preparing a list of niteries nixed for its members.

Saranac Lake

By Happy Benway

Harold Rodner visiting the Will Rogers, mitting and candying each innat.

William Morris, Jr., on short holiday stay at Camp Intermission, taking up skiing.

Otto Kruse, who's ozoning at the Erkander Cottage, ogled by his frau, Lotte Lehmann, the opera singer.

Helen (Warner Bros.) Morrissey left the Rogers with an absolute okay.

Elmira Fuller and Jean Ryan, both from New York, are newcomers at the Rogers for observation.

Mrs. William Morris gifted each of her 'children' for Xmas.

Rose Hoening, who ozoned for so long, left for home okay.

Shirley Silverstein, Buster Frumas, Fred DeMarco and Sam Selzer ogling the Rogers.

For good behavior and faithful ozoning, Isabelle Rook, Robert Burk, Fred Schrader, Milton Weeks and Michael Kelly allowed a furlough from the Rogers to spend Christmas at home.

Irving (Loew's) Wilbur, who made the grade here, in for a checkup. Report good.

(Write to those who are ill.)

\$1 Drinkers' License Idea

Sacramento, Dec. 27.

A \$1-a-year drinkers' permit which, he said, would raise \$3,000,000 a year was recommended here this week by Fred E. Stewart, member of the State Board of Equalization. He said he proposed the tax on patrons of liquor establishments and clubs only as a means of furnishing additional state income to take care of the old-age security costs.

In his estimate of the number of prospective licensees, Stewart considered more than 1,000,000 out-of-state visitors. The permit has been established in a number of other states, he said.

Liquor Administrator George Stout said he regards the license system as too difficult to enforce. How, for example, would you enforce the law in a club where there are hundreds of patrons, he asked.

Miami Beach Cops Nab 'Vagrants' in Cafe Tour

Miami Beach, Dec. 27.

Spots here have been targets for the local constabulary.

For the third time in as many weeks, police have visited clubs on swing street, with latest call netting 11 men, who were booked for vagrancy.

Second 'Gang Buster' Unit Set for Vaude

A second company of Phillips H. Lord's "Gang Buster" vaude unit, taken from the radio program, will be formed in about three weeks by Music Corp. of America. Carbon will tour New England and the south.

New unit will carry about 10 people, including seven actors, two soundmen and producer.

Agents Scout Miami

New York agents are taking the sun over the holidays in the Miami sector on scouting missions.

Billy Stein, v.p. of Music Corp. of America, is en route there; ditto Herman Bernie, New York manager of the Myron Selznick agency.

Ted Lewis in Miami

Ted Lewis opens the Royal Palm, Miami Beach, early in January and Abe Lyman's band goes in there after.

Depending on how well Harry Richman does at his new New York nitery, Benny Fields may go into that spot prior to Richman's advent, around Feb. 8.

Deny Agent Plea

(Continued from page 35)

dancer agreed to 28% commish when earning \$200 to \$300 a week; 30% between \$300-\$400 and 33% for everything above \$400 a week. Earle set forth that his wife, a former professional, tutored Pierce and generally contributed to his professional advancement.

Pierce jumped his contract and when under management of Music Corp. of America, the latter's N. Y. attorney, Julian T. Abeles, set out to break the Earle-Pierce deal on the ground that 'management' services aren't worth such high rates of commish. Earle sued in the Third District municipal court for \$1,000, as a nominal figure, to get quick action. Judge O'Rourke then concluded that, stripped of the 'management' services, the main idea is still getting work for an actor, and 10% seemingly is the legal % limit.

SS Draws Line

(Continued from page 35)

so they would not come under employer status, thus evading the employer tax.

The Entertainment Managers Association will hold annual elections Tuesday (3). Nominating committee was named this week by Howard Wheeler, group's prez. The tax problem will be discussed after the meeting.

Overtures by Ralph Whitehead, executive secretary of the American Federation of Actors, for settlement of differences between the EMA and newly formed Associated Entertainment Directors were turned down by Wheeler last week. AED is an offshoot of EMA, formed recently when bookers disputed.

Night Club Reviews

Diamond Horseshoe (PARAMOUNT HOTEL, N. Y.)

Billy Rose's "The Turn of a Century" revue is a tour de force, produced by John Murray Anderson; costumes, Raoul Pene du Bois; settings, Albert Johnson; dances, Lauretta Jefferson; technical director, Carlton Winckler; with Beatrice Kay, Maudie Sisters (4), Lulu Bates, Tom Patricia, Clyde Hager, Della Lind, Buddy Doyle, Frank Libuse, Emma Francis, Willie Solar, Jos E. Howard, Harry Armstrong, Russ Pine, Quinte, Fritz strong, 12 ponies, 32 showgirls, Noble Sissle's Orch.

Billy Rose has a winner in his Diamond Horseshoe. Despite the consummate showmanship, the new spot, in what was formerly the grill-room of the Hotel Paramount, off Broadway, is not just another new nitery. The showmanship stems from the basic idea back of this revue, labeled "The Turn of the Century," and is divided into four snappy sections, re-creating the spirit of the past. Steve Brodie's "The Midnight Frolic and Delmonico's of New Year's Eve."

In the latter, Diamond Jim Brady (Tom Patricia) with Lillian Russell (the gorgeous Della Lind, moved over from Rose's Casa Manana) are the keynotes of a nostalgic sequence, "Let's Dream Again." Thus, as guests of honor, some such famous faves as Emma Francis, Willie Solar, Joe E. Howard (who, in his '70s, still sells his immortal "I Wonder Who's Kissing Her Now" with charm of distinction), Herman Bernie and the benign, old-fashioned "Sweet Adeline," perhaps the greatest gang song of 'em all, maestro Noble Sissle (who untimely "Shuffle Along," still the "Rube" of Broadway's "Believe It or Not" and Fritz Scheff, with her "Mlle. Modiste" memories, topped by "Kiss Me Again." Later, of course, since it even strains fresh, young voices, is the "Boogie Woogie" and "Swing" capabilities, but since it's expected of her, she is in order tackling it.

The first part—Reactor's—recapitulates the move decade song-and-danceology. The well-arranged, pot-pourri of yesteryear melodies and now-corny trot routines have been snappily staged. Beatrice Kay (the "Boogie Woogie"), a "Diamond Horseshoe Quartet," comprising George Holmes, Al Terry, Lloyd Colvin and Bert Whaley, wears nifty masks simulating those handle-bar moustaches of the 1890s; the 12 ponies and a sextet of killer-diller showgirls (who'll attract the stage-door Johns all over again) and the Mangan Sisters (4) with their hokey, knock-out, acro-comedy, round out this portion.

Frank Libuse, the heckling waiter, who has a suavity of style that never tires, is the star of the show. He is a straight 52-week contract by Rose, makes Ziegfeld's "Midnight Frolic" portion a miniature "Hellzapoppin" with his socko comedy. Libuse is as versatile on the stage, with a couple of expert comedy stooges, as he is when working among the customers.

Lulu Bates leads off the Steve Brodie second part with "Lady Known as Lulu"; Tom Patricia clicks with his standard hard-shoe taps, personating Brodie; Clyde Hager's everything above \$400 a week. Earle set forth that his wife, a former professional, tutored Pierce and generally contributed to his professional advancement.

The stage and setting of the Diamond Horseshoe is, as the name indicates, a replica of the Metropolitan Opera house, with boxes flanking the stage. The stage is a replica of Rose's Frontier Plaza layout when he was at the Dallas expo.

There's a touch of spice in the Ziegfeld sequence, via two tableaux based on Anna Held's milk bath. Plenty of epidemic exposure, but being immune, it should be okay. Della Lind leads this with a nifty medley of Ziegfeld song hits, and Buddy Doyle has a solo opportunity, doing his standard Eddie Cantor takeoff in his usual clikety manner. It's here that costumer Raoul Pene duBois outdid his self with the sartorial display, repeating in the Delmonico's. Some of his blue shades are \$5 production quality. Of course, DuBois is better known for his elaborate stage musical couturier work.

This is the best buy at \$1 minimum, which is Rose's feature. The

show, with a \$1 table d'hôte—choicer tables, of course, have a supplementary preferred tariff of 50¢—makes it an amazing buy.

The Diamond Horseshoe is in a grill two flights down. The route is appropriately decorated with Police Gazette and other late 19th century literature, including props of Diamond Jim Brady's collection of baubles, and the like. Albert Johnson, the stage designer, has done an expert job again in recapturing the mood, mode and manner of the turn-of-the-century. The ceiling and walls are appropriately gold-and-white; a husar-costumed band plays the yesteryear waltz faves until Noble Sissle sends 'em with his sock dandassation. Sissle does an extraordinarily good job playing the difficult show, as well as for the terps. Abel.

ROAD TO Mandalay (DELMONICO HOTEL, N. Y.)

Harry Richman, Joe Rines, Mary Raye & Naldi, Adelaide Moffett, Oscar De la Rosa Orch, Marion Cooley, Bobby Martyn.

Harry Richman's Road to Mandalay was a daring investment as a new cafe venture. Situated in the basement of the Delmonico hotel, New York, it means much to the hostelry management, which is back of it all, to invest that heavily on the strength of Richman. Idea, of course, is to further exploit the hotel by means making the basic cafe venture go. Investment has been reported near \$200,000.

On paper, the Road to Mandalay, with the present show lineup, looks to be a click. So far, business, in the face of the pre-Xmas lull, has been strong, dating from the spot's premiere Dec. 15. The first three days of last week laryngitis kept Richman from working, and when the word got around he was ailing, business eased a bit. Since then he has been forced out again, when his voice encored a brodie due to cold.

All of this is prelude to the obvious conclusion that the works revolve about Richman. As for the star of the spot, he remains, as before, a premier song salesman. A shortcoming, however, is in Richman as a cafe comedian. Whether he is something (Continued on page 37)

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STATE, N. Y.

Dinty Doyle, Jim & Mildred Mulcahy, 6 Debonairs, Boy Foy, Jane Pickens, Cass, Owen & Topsy, Ruby Zwierling house orch; West with Hardys (M-G).

The State has one of the costliest talent shows this week, yet the cheapest, this anomaly hiding under the billing of Guest Stars. Dinty Doyle (New Acts), radio editor of the N. Y. Journal-American, headlining the current bill, has leashed for him such people as Lew Lehr, Kate Smith, Eddie Cantor, Fred Allen, Abbott and Costello, Phil Baker, Connie Boswell, Tommy Riggs and others. They make coffee guest appearances at the night shows, and the display heralding the changing guests. Lehr was on opening night, Allen the second and Cantor the third, while Doyle had packed his in Doyle's vaude debut. Show is primed in the conventional niter atmosphere, a popular form of presentation whenever newspapermen or columnists do the stuff on a vaude floor. In the case of Doyle, as with most of the other newshawks gone NVA, he's making a pretty good try to bring Broadway or cafe columnists, the atmosphere is niter; in Doyle's case he wants it to re-create the informality of a newspaperman's misadventure, those "applause" cards. In sequence, he opens with Jim and Mildred Mulcahy (New Acts), who whom over some coring harmonica work, although running over budget.

The 6 Debonairs, who have been in "You Never Know" and "Between the Devil" have some smart prodigious tricks to backgarden their concerted hoofing, although the latter is the bulwark of their stuff. Nice-looking male sextet, in ultra formal attire, are more than the usual tandem of expert tapsters. Their version of a mechano-type dance, in line with the 1939 World's Fair, is topical and extremely well-choreographed. There are a few imagination and priming in the preparation of this routine particularly, nor is it too stiff and "impressionistic" nor too, as evidenced by the concluding business. That's a showmanly switch. Act should do very well on a cafe floor as well as on a rostrum, and is the type of turn that the Rainbow Room crowd would fancy, especially the rhythmic dance mechanic.

Boy Foy, who, too, is equally facile wined in cafes or on the stage, does amazing juggery on the ucliyole, much of it basically difficult on terra firma. Jane Pickens, offshoot of the Pickens Sisters, is an ash-blond looker, nicely tall without losing touch on the "statuesque" groove, and a cinch for production, musical comedy or films. She soprano a mean ballad and shows an unmistakable operatic range in her burlesque of one of those outdoor summer theatre divas, whose high C's are punctuated by pecky mosquitoes. Miss Pickens is smart in keeping in the show department, especially for variety and cafe consumption. Opening with "Beautiful Baby," her meditation of what she calls "the old lady's"—"Smoke Gets in Your Eyes," "Star Dust" and "Night and Day"—is surefire socko songster, especially as she interprets them. Miss Pickens can't watch her make "a" which seems over-accented about the eyes and cheekbones.

Cass, Owen and Topsy, without much, are the three oldies who with the unique acro-comedy in which Topsy and the other femme are the features. The comefive flips and falls and the generous comedienne commend their turn at the theatre. Announced as just back from the "Folies Bergere" (Paris), it's patent that the comedy combo isn't restricted linguistically.

Doyle m.c.s in between, pacing the show nicely, asking for extra bends for the acts and Ruby Zwierling, the house maestro, who's on the rostrum for the current engagement.

Healing Allen the column mentioned that this marked Allen's first Broadway stage appearance in seven years.

Abel.

PARAMOUNT, N. Y.

Glen Gray Orch, Frank Hornaday, Andrews Sisters, Frank Paris, Fred Astaire, Artists and Models Abroad (Param), reviewed in VARIETY Nov. 2.

Fair enough entertainment on this stage bill, but just mild boxoffice draw. Screen portion is okay, but with Jack Benny and Joan Bennett for the marquee, but "Artists and Models Abroad" is tepid entertainment. So, considering everything, it's like this show will be a drag on the holiday swell without generating much power of its own.

Glen Gray's orchestra, which opened the Paramount come-back two years ago, is still a strong musical outfit which impresses on its own, handles a show proficiently, and possesses a couple of middling solo specialties. The orchestra is nicely balanced between the brass, woodwind and rhythm sections, while

its tone is full and pliant. Arrangements are distinctly without being too showy. Feevee Hunt, Sunny Dunham and Murray McLaglen (spelling by ear) contribute passable specialties. Frank Hornaday offers a brief vocal with the house organ.

Of the individual acts, strongest entertainment is supplied by Fred Sanborn, vet comedy xylophonist. Working with a couple of Chophophs, who dress a couple of knotted rope tricks, Sanborn sports his familiar low comedy duds, including long, flapping shoes, short long trousers, rooky hair and necktie and "production" eyebrows. After bungling several tricks and getting tangled ludicrously in a few xylophone numbers, he finally plays a medley of contrasting bits with merry skill. All this is offered with a hilarious accompaniment of knowing smirks and balm glances across the footlights or at the audience, and it's all done in quick low comedy style.

Andrews Sisters, having just closed at the Glass Hat, N.Y., are back for their second Paramount stage date in about six months. Trio offer the usual group of three numbers, harmonious arrangements of "Hold Tight," "Milk and Honey," and "I'm a Little Bit of a Shy." Then encores with a fair swing version of "Old Man River," "Umbrella Man" is by far the most distinctive and effective of the three. Other act on the bill is Frank Paris, whose puppet maneuvering has been seen in several New York vaude houses and niteries in the last few months. Paris is a devotee of his kind, and Paris is shrewd enough to keep changing his material.

Hobe.

STANLEY, PITT.

Pittsburgh, Dec. 24.

Ken Murray, Jack (Scat) Powell, 5 Elkins, 4 Kim Loo Sisters, Gene Austin with Candy and Coco, Minevitch's Rascals (9), Doug Brown's Orch (16); "Going Places" (WB).

Stanley putting its best foot forward for the holiday week with a line-up of talent that not only has marquee value, but also delivers. Single jarring note is color of some of Ken Murray's material. Ordinarily that wouldn't matter so much, but with the big kid trade expected during vacash period, comic's material could stand soap and water.

For the oldsters, however, Murray's a pushover. Retailing practically same set of gags he had on display here three years ago in tab "Sketch Book," he gets by more easily than he would on the road, for the fellow does have a way with him. Could use a stooge to advantage, and no denying that he misses Owen.

Show's only soft spot is at the beginning, with Dave Broudy's house crew, moved from the pit to the stage, starting off with tepid collection of "Xmas carols" that would make an all right overture, but doesn't fit the genesis of a presentation. After that, Murray takes over and things go along splendidly right up to the curtain. Five Elkins, including two femmes, deliver a show-stopper immediately with their sock juggling session, which is tops in both novelty and appeal. Then follow three on to lampon a composite picture of different maestra bating the band through "Tiger Rag" and good for last.

Jack (Scat) Powell next, scattering hotly through couple of wordless songs. Bread and butter for the jitterbugs. The asprage payee may be a puzzle, but Powell's got a way to do, but he's strictly in the idiom of the iokies. Kim Loo Sisters (New Acts), four unusually attractive Chicago gals, deliver a song-and-dance stanza that alternates between good and bad, and then Gene Austin comes on with Candy and Coco to stand things back into high again.

Austin's a real comeback, for he's shrouded since his voice is practically as good as it ever was, and in Candy and Coco he has a couple of instruments on guitar and other on bull fiddle, who would be useful to anybody. Austin sits at the piano, and had to give 'em an even dozen times before he would let him get away. Stuck to current pops and a song or two of his own, but on the encore shot across a medley of three old-time hits he helped pull the show off. "Whispering Will," "You Don't Know What Love Is" and "Some of These Days."

Following niche reserved for Murray's own specialty, his familiar but still new "Sketch Book" material. Powell coming in at the end for a few minutes of vocal-lead jamming. Closer is the Minevitch raggedy crew, without a flourish of course. They're socko and comical, but they've managed to combine the two in a way that is entirely new, making any sacrifice in either direction. Act is just about tops now, and runs just as smoothly as it did when Minevitch was in front. The show is a real winner at the far end is still head man.

Biz off, but expected day before Xmas.

Cohen.

STRAND, N. Y.

Abe Lyman Orch, Walter 'Dare' Wahl, Dale Winthrop, Rose Blane, Dick Foran, Slim and Siam, Three Sirotto, Al Kvale, House Orch (WB), reviewed in VARIETY Dec. 14.

A tight, swiny, and fast 50 minutes of entertainment is brought here for the holidays by Abe Lyman's orchestra which carries all the acts excepting Walter 'Dare' Wahl, standard in vaude and picture houses. Harry Gouffain has given the show excellent staging, setting it against a tasteful and effective background.

Lyman one of the oldtimers himself, follows another oldtimer in here, Ted Lewis, who completed a four weeks' stint Thursday night (22). Away from New York about a year, Abe Lyman orchestra, with specialty talent, had a run at the Clez Parce, Chicago, and also played the Roosevelt, New Orleans, plus a string of other places.

Keeping in step with the times, Lyman is giving 'em sweet music as well as jitterbugging. He has several very effective arrangements for the orchestra, and the proceedings calls upon the six-foot Lyman to get hot himself, he rises to the occasion with the best of 'em. His manner on the brass, Yoo when called upon, and 'Red' Pepper, trumpeter, has a stint understage that is effective. Going to town, he does impressions of Henry Busse's "Lips," Clyde McCoy's "Sugar Blues" and his own conception of "St. Louis Blues" with a vocal opening. Pepper is a rotund, pleasant type of fellow who clicks with the band.

Lyman's opening with the band, "I Got Rhythm" (a tribute to Gershwin) is swiny and pretty brassy, with Lyman conducting in the design of a cat. His special arrangement later on of "Melancholy Baby," done sweetly and with the bandmen, is the standout. A popular swing selection provides for the close, played spiritedly.

Wahl's comedy acrobatic act leads to a song, which is headed off by Rose Blane (New Acts), a singer. She is doing three numbers, one of which is built for the purpose of providing the audience with a tune and the impressions of Tommy Dorsey, Guy Lombardo and other orchestras, Miss Blane topping with "Alexander's Ragtime Band." She also sings a song, "You When Lyman write in 1932. Another single carried by the band is Dale Winthrop, novelty tap dancer. She was tonight at the Paramount, N. Y., in 1937.

California Varsity Eight (New Acts), a group costumed in the operetta manner, but featuring American and English songs and college tunes, are on shortly after the opening. Very good singing voices figure.

STATE-LAKE, CHI

(NEW)

Chicago, Dec. 25.

Six Marzels, Dick and Lota Nash, Dick Foran, Slim and Siam, Three Sirotto, Al Kvale, House Orch, "Campus Confessions" (Par).

Balaban & Katz has taken this house over since its former manager, Jones, Linick & Scheffer, moved around a Chicago hit. The Oriental. New owners spent around \$75,000 for a complete physical revamping from carpets to marquee. All in all, B&K did a splendid job of making the State-Lake a new theatre, as well as a possible factor again in the local show business. The State-Lake has had a remarkable effect on Chicago since it was built. It originally brought vaudeville to the attention of the public and knocked two-day galley shows out of business. Later, when vaude was flowering, L. S. comedians, new State-Lake policy, which was a combination of vaude and stage show in addition to pictures. It caught on, and it has been many theatres have used this set-up.

Now the house is again trying another scheme, and there is a possibility that it will mean much in view of the State-Lake's big business. It was turned in on the worst day of the year (Christmas eve). It's simply a line-up of eight acts of vaudeville, plus a picture, and this is the show, all acts are run off in front of the band and introduced by an m.c.

But that isn't the punch. The wrinkle here is the capacity trade in the show. The show is a Christmas. Which would indicate that a vaude at a price (40c top here) is a real boxoffice idea and shown everywhere where one is looking for an act to give some impulse to their boxoffice can study seriously the remarkable reaction being received by the State-Lake with its top novelty act, "Big Time" (Picture "B" here).

Inaugural bill is loaded with solid, standard talent, but nevertheless is lacking in variety. The show is lacking especially lacking in talk and comedy.

Heading the show are two vocal-

ists. Helen Morgan is Helen Morgan, this time without her piano, but still with Jerome Kern music. Sticking wisely to ballad-type fashions, a sounding clik. Miss Morgan and her co-headliner, Dick Foran, did Kern's "Show Boat" up brown between 'em. Foran did all the funny numbers and Foran gave 'em "Old Man River." Theatre should be paying royalties currently to Edna Ferber and Kern. Foran, in addition to this tune, sang two western songs, but his personality is good, though quiet. Pipes are satisfactory.

Six Marzels open the show nicely with their skating stunts all standard and over well here. It used to be Nash and Fately; now it's Dick and Lota Nash with a good portion of roping tricks and a couple of medium-sized gags. Always good in the deuce, and can fit in on any vaude bill in that spot. Ray and Trent got the clatter with their occasional clowning in their hand-to-hand balancing act. For the most part they stick to straight acrobatics and score solidly. Selma Moore came through again with two neat tapping bits, with her closing Spanish tap routine rating special attention. Three Sirotto close the bill and the show in excellent fashion on their pipes. Especially good is their work on the high unicycles.

Dr. Hoffman was a solid novelty in the middle of the show with his drink-mixing. Scored strongly with this audience, and made entertainment out of a stunt which is not basically entertainment. Good worker, and he and his cleverly and gets plenty out of 'em.

Leading the band and m.c.'ing the show is Al Kvale. Kvale was one of the top m.c.'s in the town a few years ago during the hey-day of the m.c., and his return to the loop is not only welcome, but a good augury. Kvale is on top of the show all time, and he places the acts with skill and finesse.

Business was great at the supper show on Christmas eve (Saturday), opening day.

Gold.

Nixon's Grand, Philly

Philadelphia, Dec. 23.

Claude Hopkins Orch, Slim and Siam, Miller Brothers (3), Ghezzi, Beverly White, Lucky Sisters (2), Crackerjack, Bill Hartley, Moore; "Mr. Wong, Detective" (Mono).

Despite fairly good line-up of marquee names, show at the Grand this stanza totals up to only a so-so affair, which results in a sesh that lacks any real distinction or compelling cause for a return visit by the audience. It's not all the fault of the acts, either, for production is often slow, and the lighting is frequently bad.

Fact is, annoyance starts even before the show begins and gives it a bad opening break. Cause is the terrifically overlong plugging for the special New Year's show, pictures, acts, bands, jitterbug contests and the like, which is being run to the house for the next six months. And as it repetitious trailers aren't enough, when they finally wind up and the show seems ready to begin, offstage police starts the puffing all over again on the house p.a. system.

Outstanding bit of the entire line-up is the warbling of Beverly White, colored vocalist with Claude Hopkins' outfit. Femme starts none too well with a slowie, but she gets into the nifty class as soon as she gets wailing on a fast table made of pipe versions of "My Bonnie," "Blue Heaven" and "Marie."

Hopkins' crew is chiefly distinguished by the slick-swisher's work on the ivories. That swinger, he's no doubt one of the most gifted of the Negro piano-pounding maestros. His seven-piece outfit caters strictly to the jazz and pop style of the day.

Slim and Siam, authors of "Flat Foot Floogie," make their second Philly appearance in about four weeks, recently having been at the theatre. Seems to be a steady state of earlier engagement. Although their work on the bass fiddle, guitar and vibraphone are good, lads appear to be getting bored, seriously. Couple of grins might help.

Three Miller Brothers do a hoofing turn aboard a row of latters whose meaning is undecipherable. Also make a run at a table made of pipe, which is pretty showmanly in appearance. Terping's okay, but not distinctive. Ghezzi Brothers (2) provide the only ray of light in the review. Are excellent hand-balancing and exhibition of sheer strength stuff. Finish with nice bit of comedy which they have been using for some time, and it's a real comedy.

Comedy is taken care of by Crackerjack, Bill Hartley, and Ray Moore. Standard comedian, Crackerjack, with burlesque skits, it's often pretty blue, but gets by in okay fashion. Lucky Sisters (2) provide some mediocre work in a song-and-dance. Lighting effect of 15 shows more than the usual chorus-folk enthusiasm, but little else.

Herb.

RIVERA, B'KLYN

(NEW)

NTG Unit, Slate Bros. (3), Fay Carroll, Byrnes Sisters, Chicquita, Eleanor Wood, Four Aces, Continental Thrillers, Ted Eddy Orch (9); "Ladies in Distress" (Rep).

Once a part of the flesh-and-film Keith chain, the Rivera has been a straight picture house for the past 10 years, a part of the Randorfe circuit of neighborhood houses. Spot out has been dark four months since Randorfe dropped it, but relighted Christmas Day with a combo policy gunned by NTG's familiar unit to bring several outdoor acts have been added. Screen fare will be from the 'B' drawer.

Rivera is unusually large for a nabe spot, seating 2,400, and if the policy of featuring big and medium priced flesh goes over at 40c top, the bookings for the house will be widened to bring in name bands. Business around here is almost filled, the house, with reaction to NTG and the antics of the Slate Bros. good. Setup calls for four-a-day which is made possible by the elimination of shorts, because of a 1 p.m. opening rule. Vaude is on a split week basis, four and three.

Stage setting conforms with the usual niter and combo presentations, spotting a nine-piece orchestra led by Ted Eddy on stage. Outfit is nothing out of the ordinary, but handles the music backing for the various turns in okay fashion. Slate Bros. work in their accepted style, turning in 10 minutes of terps and nonsense, then send out a crowd of four long show heckling everybody in sight. It's NTG's stereotyped style of presentation, but clicks as always.

Wide appreciation for the three Slates, best reaction of the payees was to Fay Carroll and the Byrnes Sisters, and the closing Continental Thrillers, while Miss Carroll is a fooler. Granlund, m.c.'ing the show, gives her the same dumb dame build-up that she gives the rest, but when she opens her mouth to pipe, "This is My True Confession" it's proof enough she can handle tunes well enough for any spot. Byrnes Sisters, who are a real crowd puller in two spots. Both are unusual routines, first exceptionally well done, and the second a good military.

Crackerjack, Bill Hartley, and reviewed trio of roller skaters, punching home familiar spins and fancy roller bearringed routines. Rest of the turns are NTG standard, consisting of a filler, There's Chicquita, Mexican dancer; Eleanor Wood, interpretative terper; Joan Gaylord, Russian dancer; Neil and the little blonde, Helena Anderson, from Granlund's Midnight Sun eatery in New York. She essays the worn-out "A-Tisket-A-Tasket."

STATE, HARTFORD

Hartford, Dec. 24.

Lionel Stander, Fenwick & Cook, Gaylene Sisters, Flagg & Arnold, Swinghearts Orch (16), Dave Schooler, The Harrison Sisters, Irwin and Wilson, Sam Kaplan House Orch; "Orphans of the Street" (Rep).

Lionel Stander, making the first stop of a p.a. tour, braces the marquee this week. Show is well paced and of sock proportions.

Following an overture by the house band, show opens with the theme song by the 16 Swinghearts (New Acts) from behind closed curtains. Band bellies its name, plays mostly sweet and semi-classical music. It's led by the personable Dave Schooler, who m.c.'s the show. Aggregation swings out in "Night Ride" following which the Harrison Sisters, singers, are spotted. Gals have good voices and get over nicely with "Honeysuckle Rose" and a medley of nursery rhymes.

On next are the Gaylene Sisters (2) (New Acts), acrobatic dancers, who give a good account of themselves. Fenwick & Cook pack a high rate punch with their knockabout comedy. Score solidly with a Tyrolean slap dance. Band next plays "Enchanted," making a nice spot for Harrison Sisters to reprieve in "The Street."

Evelyn Wilson, making her third appearance in this town in as many months—two of them at the theatre—appears with her femme drunk act. Schooler spotted next in a piano solo of Liszt's "Second Hungarian Rhapsody." Flagg & Arnold, who are a real crowd puller, are the Gals from the band next gather around the mike in a choral number, "Ten Pins."

In the next to the closing spot, Stander (New Acts), makes an excellent chaser. Is a strong supporting act. Does three dramatic impersonations in which he is at his best. He plays a comedy fire with two stooges (Irwin Cooley and Solem Burry).

Band, on stage all the time, finishes with a strong medley. Lighting effect for the band stand-out. Biz good at show closing Sunday night (25) considering the holiday.

Edk.

ROXY, N. Y.

Sunny Rice, Six Christmases, Williams & Charles, Eddie Rio & Brothers, (c), Walter Cassel (New Act), Paul Ash, House Orch. 'Kentucky' (20th), reviewed in VARIETY Dec. 21.

Coupled to a film of average length, the Roxy's Christmas-week stage show runs a bare 50 minutes, which is quite a trimming from the usual show dished out here. Possibly the management is counting on a big turnover with a shorter show, and probably a production of this type is a nod toward oldersters and kiddies. Certainly juveniles and the folks under 40 will find the bill pretty tepid.

Starting with shortcomings—what's lacking in the Roxy this week is first of all some good flash-act dancing; secondly the bill could stand some snappy pop vocalizing. Showing a zero in both departments (except for the four numbers by Sunny Rice), the business fails to impress as punchy enough, or coherent in the sense of today's house shows.

Poster house line, as always, opens the proceedings, garbed in winter sports costumes. Sunny Rice, garb bedecked in a white skating costume, flashes on for the minute of some of the snappiest tapping seen here in a long time. Her footwork is confined entirely to hammering out rhythm while executing spins.

She is followed by the four numbers of national Casino (N.Y.), nifty, follow their acro pyramids and teeterboard work. A standard act, but polished and okay. Williams and Charles, clown duo, derive much of their spinning discs and other odd paraphernalia, but aside from the act's interest for the kids, it has no place here. At five minutes, the clowning runs far too short.

Walter Cassel (New Act), radio baritone, follows—again without any production bridge on the part of the house line—and serves three numbers. Cassel needs more stage experience, and coaching in how to sock a lyric across.

Eddie Rio and Bros. have some pretty good comedy, some of it nutty and some of it caricature. They also have a comedy hoofing routine. Best bet of the lot is Rio's imitation of a gal getting ready to take a bath. 'March of Time' business—and particularly the auto races bit—has been seen frequently before and could be blue-pencilled to advantage.

A bit of a girls' service number with a told-soldier number on stilts. It's eye-rolling and trickily lighted.

Biz very mild at show caught. Friday eve (23). Edga.

CASA MANANA, N. Y.

Vincent Lopez Orch., 12 Aristocrats, Benny Baker, Carol Bruce, Shaw & Lee, George Shelley, Yola Galli, Doc Rockwell, Madeline Meredith, Ina Haywood, Paul Haakon, Peggy Fears, Lupe Velez.

A trim measure of comedy, plus a fairly equal balance of singing and athletic dance turns, is the new edition of Billy Rose's Streamlined Varieties stacked up with the best. This is the show Rose readied when waiter union trouble prompted him to consider going to the States in operation. Vaude-revue is topped off with spotting of reproduction of the World's Fair periphery-Trylon theme symbols in the following display in lineup. This is followed by an outright plug for Rose's exposition sideshow in 1939.

Benny Baker m.c.'s the show expertly. His spotlighting of the 'finds of the month' is more than a billing. Both George Shelley and Yola Galli are effective singers, the petite blonde scoring tremendously with her semi-operatics.

Doc Rockwell, who was on Rose's original bill when he took over the Casa last January, is back again with his anatomical lecture. He added a gown-trimming routine that turns out to be a zany strip-teaser of laugh-provoking proportions. Ina Haywood and Madeline are worthy foils.

Lupe Velez scores solidly with the comedies of Peggy Fears (who's on the bill). Her 'Barnyard' routine, Temple, Del Rio, 'Dopey' and Gloria Swanson. The Hepburn takeoff, though broadly burlesqued, and the Del Rio and Swanson are tops; Temple, the least significant impersonation of Miss Fears singing 'You Go to My Head' comes right on the heels of that songstress' specialty, but good. Miss Gail's 'Dopey' scene, '2nd street scene,' clowning with Baker, his long-haired stooge and Miss Fears. The roughhouse pantomime probably will be smoother in time but, as is plenty funny.

Show, which runs 90 minutes on the nose, is a trifle heavy on singers. Her 'Born to Swing' is a good one. Songs. George Shelley, the first 'find of the month,' lives up to this billing with two good songs. Yola Galli was also forced to sing an encore, 'Donkey Serenade' proving her high operatic notes are taken in stride.

Peggy Fears registers neatly with 'Go to My Head,' then there's a long, talky ballad pantomime of how Schubert, Carroll and Ziegfeld girls

walk, sauntering off with book on her head to climax last description. Paul Haakon dominates the terps end of bill which includes the fancy tapping of the Aristocrats. First off, the house line, then a song, a dance, with canstans figuring in solo. Returns later for a Russian sailor number from the ballet, 'Red Poppy.' Both experts in this specialty.

The Aristocrats, mixed dozen, who open with their standard unison, eccentric dancing, return midway, forming a gag for their acro adagio tricks. They climax with tossing the six femmes in nifty style. Clicked big.

Shaw and Lee, back on Broadway, keep things rolling with new twists to old gags and fancy word manipulation. Their whacky stepping and manhandling clip per usual.

Betty Huston, torrid stage singer, here for two previous shows, holds over, vocalizing with Jay Freeman's band the dance periods, and continuing to interest the house line. Vincent Lopez batons the stage show with his accustomed ease. He's now more or less a fixture here, and deservedly. Wear.

LYRIC, INDPLS.

Indianapolis, Dec. 24.
Lola Lane, Buster West & Lucille Page, Bert Walton, Four Hollywood Co-eds, Three Reddingtons; 'Heart of North' (WB).

First week in two months that this house hasn't had a name band finds it with house orchestra on stage behind a satisfactory, medium budgeted bill headed by Lola Lane, film player. Miss Lane is introduced by Bert Walton, who emcees throughout the show, and then she is introduced again from the screen with 'You're My Everything.' She dresses neatly, but too ostentatiously, for her first entrance, and does about three minutes of talk followed by an acceptable rendition of the pop tune, 'So Help Me.' She then exits for a costume change while the screen is let down to show one of her scenes in 'Hollywood Howl.' She quickly returns to finish playing out the scene. Does a brief encore bit handily with Bert Walton to round out a nice little turn.

Walton opens the bill with a few minutes of talk to break the ice, and then brings on the Reddingtons, a trampolene act containing enough laughs to make it a good start with. They are followed by a few more gags, and then Buster West and Lucille Page follow. Assisted by Chick Gagnon, West does a bit of clowning, and then she does one of her acrobatic control and tap numbers. West counters with his eccentric dance routines, and one two finish together on a rube dance number.

Walton does his usual act with the pale-faced singing stooge in the next spot, and then works right into the Lola Lane act with a natural and smooth manner. The bill is closed by the Four Hollywood Co-eds, girl tumblers who start off with challenge tap dancing and finish with fast acrobatic stunts.

Show ran 62 minutes Friday (23) at fourth performance, and crowd was light. Kiley.

TOWER, K. C.

Kansas City, Dec. 24.
Gene Krupa Orch. (14), Irene Day, Bob Williams, Edna Sedgwick, Adorables House Line; 'White Noise' (20th).

Run of name bands continues here. Choice of Krupa for Christmas was a pretty good one. The 'White Noise' is known here from earlier appearances with Benny Goodman and from a recent one-nighter at the Plaza.

Band and its leader take the spotlight good part of the 55 minutes, and entertainment offered is in the class of the first-string orchestras. With a musical aggregation of this type, frequent band numbers are not out of place, and extra length of the show is permissible.

Supporting acts above the general run, and well spaced to break the string of band numbers. Edna Sedgwick shows herself to be accomplished at a rhythm tap routine, and her dancing is an American bolder plus an encore.

Bob Williams has his dog, Red Dust, as a canine act, using only a few words to show the dog is trained, and featuring the big Chow's complete relaxing which is good for string of laughs and also for a dramatic bit by the m.c.

Vocals of the band are chirped by Irene Day who also works into a snappy number directing the band. Madeline Meredith, who has been introduced all the members of his band, and by a jungle rhythm number in which every member uses a different instrument.

Selections are chosen for unusual tympanum opportunities while leader makes his own changes where necessary. Goes to town on several numbers to give the jitterbugs just what they look for.

For the holiday week extra attention is given to production. Adorables line up for a Christmas number, including a clown routine, and later perform in a Toy Trumpet number. Quin.

APOLLO, N. Y.

Louis Armstrong Orch, Midge Williams, Sonny Wood, Rubberneck Holmes, Stump & Stumpy, Cotton Club Boys, John Elliott, vocalists, George Wilshire, Dusty Fletcher, Sandy Burns, Vivian Harris, House Line (16); 'The Night Hawk' (Rep).

After spending some time on the Coast this fall making the film, 'Going Places,' for Warners, then picking up his band for dates in the south and southwest, Louis Armstrong's back in New York for theatre dates. Beside the current stand, he's booked for the Strand, N. Y., in conjunction with his picture, opening sometime next month.

As is probably every other theatre with stage shows, house is in the Xmas motif this week with a chorus led by John Garth tossing in the carols in several spots. Tendencies toward improvisation, poor production settings and lighting control.

Armstrong plays the entire show onstage, the early portion of the 90 minutes spent behind a drop. Smartly lays off during the last half, giving out with just enough to make the customers want more. His crew is comprised of six brasses split three and three, four sax and four rhythm. This adds up to plenty hot riding, but also makes for headache fodder. That's the fault of setting the mikes too high, however, and it's apparent by the time the band gets going. Above doesn't mean that the crew itself does bad work, but poor sound control with a powerful band can turn a good impression sour.

What's quite handy with a trio of tunes exceptionally suited to his voice. Opener is 'My Reverie' with interpolations of 'Still of the Night.' Follows with a dance tune, 'You're My Everything,' and for an encore 'You Go to My Head.' Femme vocalist, Midge Williams, is also in the groove with 'They Say' and a novelty, 'Take It Easy, Greasy,' done with one of the band members.

Stump and Stumpy work with the band here and are the show's stoppers. Mixed comedy, taps, etc., with informal nonsense and imitations, and have to double encore. Pair open with a duet of 'Swing for Sale,' then hop into neat rhythm tapping by one, split with semi-eclectic leg work by the other. Encore is imitations of Donald Duck and W. C. Fields by Stump and Ted Lewis by Stumpy. They close the old gag by applying themselves and running out with applause signs.

Rubberneck Holmes, a familiar figure in colored units, also registers with the act. He's a dancer which he draws his cognomen. Opens with an n.s.g. tune, but convinces with following terms, during which he balances a chair on his chin while dropping into splits, etc. Taps are okay, too.

Cotton Club Boys work with the line almost throughout. Sextet tosses a swell tap and dance routine, and several standard but well executed routines. Sandy Burns, Dusty Fletcher, George Wilshire, and Vivian Harris, make up the comedy end, and don't use any fancy leg work, but late, when a quick changing routine brings 'em all on for scenes rotating from subway to court to jail.

Best tune contribution from Armstrong and his band is the finale when the outfit gets going on 'Jeepers Creepers.'

HIPPI, BALTO

Baltimore, Dec. 25.
Benny Davis, Starline Dance, Ted Lester, The Colston's (2), Bell Sisters (3), Gail & Bernie Mason, Rexer Twins, John Elliott, Three Freshmen, Beatrice Howell; 'A Christmas Carol' (M-G).

Nice holiday layout' with Benny Davis back for an annual visit and fronting an okay spread of young talent. While not up to previous aggregations, current layout plays smoothly enough with Davis' own contribution getting a bit dated. Rexer Twins, a couple of young, long-ent-dy audiences unfamiliar with a.k. song successes of his heyday. A new one. There's a Sunny Side to Everything,' serves as his opening and sets the tone for the rest.

With house band on stage and various members of his outfit seated at tables, cast style, Davis works through the introductions and built up the specialties as they appear. Rexer Twins, youthful boy and girl, hooding duo, open matters with standard tap routine followed by the Tell Sisters in okay three-way harmony. With one of the girls seated at a miniature piano, trio gives out neatly with 'Finitely Finitely' in swing tempo followed by 'Alexander's Rag-time Band.'

Ted Lester, next, has good novelty. In tails and topcoat and wearing a cape from the 'Hunchback of Notre Dame,' he sings 'The Christmas Song' with a couple of musical instruments, Lester plays quite legitimately on all of them. Good stunt is rendition of 'Flight of the Bumblebee' in a solo. Makes for an interesting and solid interlude. Sets good spot for Beatrice Howell, who does some excellent impressions of

film personalities, somewhat in caricature. The Colstons, boy and girl ballroom duo, whack out a travesty waltz and tango, funny enough and plenty in the Colston's portions by femme. John Elliott, vocalists, follows. Nice appearing lad with fair pair of pipes, he does 'I Love a Parade,' 'Rosalie,' and 'Night and Day.' Would do well to follow with son Eddy, and be himself to much better returns than what he garnered on show caught.

Gail and Bernie Mason follow, putting over a show stopper with smart routine of comedy with excellently trained dogs. Pooches, one a bull dog and the other a pointer, are amusing degrees, cooperate by not operating in spite of insistent orders of master. Act contributes a decided novelty in canine entertainment and is a pushover for any type audience. Wouldn't let them off here.

Three Freshmen, usual comedy knock-out, do a 'De-would' sequence with w.k. medley of 'remember' and 'then I wrote' stuff; not forgetting good 'Marge,' the reason for all Good layout for this time of year and ideal contrast to Christmas Carol' film.

Biz okay. Burnm.

EARLE, PHILLY

Philadelphia, Dec. 23.
Ritz Brothers (3), Pritchard & Lord, Bea Saxon, Shanghai Wing Troupe (8), Lou Schrader House Orch; 'Swing, Sister, Swing' (U).

Ducking its usual policy of providing a strong full-hour bill, no matter what marquee names happen to be the big draw, Earle this sesh has unfortunately cut too many corners. No doubt figuring, and rightly, that with a school holiday and the Ritz Brothers on the boards, the place would be mobbed no matter what kind of support is given the zany trio, Warners have clipped the nut as much as possible. On the other hand, it's kind of a rough Xmas gift to the mob of kids and other regulars who support the house week after week.

Not only are the supporting acts slightly on the weak side—with one entirely inappropriate—but production is uninteresting. It's old time vaude with an acrobatic act to start, a gal singing a date's tale of ancient vintage, and, finally, the Ritzes. Whole thing would be much improved by sticking to the usual unit, shoring the house band to the stage and trying to get together.

Scarcely anything, however, could keep the three freres from grabbing off beaucoup guffaws. This is especially true of a spot like the 'Ballyhoo' for it's pretty certain that nearly everyone who lays his coin on the b. o. sill here is a fan. And no matter what the daffy trio does, it's funny. They stings by yanking the mike right out of its stand and getting themselves well mixed up in it. From that they go into an adaptation of the well known Dr. Jekyll-Mr. Hyde, bit, drinking of the terrible potion they concoct changing them to dwarfs. Idea on this is a little better than the execution, but still fluffily.

From then on the house gets into things. Jimmy sings and Al gets into the pit to lead the band. When he gets hot, he tips off his coat, tossing it over his head into the audience. Needless to say, when it finally gets back to him, it's slightly beyond an ordinary overhaul job, that follows. The house line, out to the center of the house and pulling a kid from the audience, dancing in the aisle with her (Jimmy's still trying to wangle a date with Harry's making faces at him). With the entire audience on its feet in an endeavor to see, show is pretty well slowed up. Gets under way again with the 'Tempting to the Ritz Rag' before they're off.

Curtain-upper is Shanghai Wing Troupe, eight Japanese hand-balancers, pig-tails, and a couple of twirlers. Provide a couple of spectacular moments, but all in all rather so-so. Seem to lack sufficient variety and leave too many dull spots. Bea Saxon is a blonde beauty, long on looks. She has a swell torchy set of pipes, but would kick more solidly in an intimate niter, failing to stick with the torchy stuff, but over universally in a big vaude house. Gets under way too slow, also, with 'Melancholy Baby' where she needs a fastie.

Third act, Pritchard and Lord, is an outmoded affair that might have been big stuff two decades ago, but serves only to draw titters and cat-calls from the house. Terp duo, slightly on the aged and heavy side, goes through a curious combination of tapping and Spanish canstent stuff.

Herb.

DENNIS, N. Y. BO

Clark Dennis, radio tenor, will make his first New York vaude appearance with Paul Whitman at Loew's State tomorrow (Thursday).

Singer has worked with couple of bands and has been on NBC out of Chicago, as well as other Chi stations.

STRAND, B'KLYN

Teddy King Orch, Midge Fellows, Saul Grauman & Co., Sybil Bounan, Victor Lucas, New York and Beatrice Howells, John Elliott, 'Gang Buster' Co., Leonard Rowan and Peggy Keating; 'Shadows Over Shanghai' (Rep).

Nothing extra in current lineup though it has some name value. Runs little longer than usual, too (68 minutes) because of unit type acts which require more time than others.

Trio of femme tempers out of Grauman's act open show. Don't offer much technically, tapping being semi-faked, but is made up of plenty of cooching by one blonde and two brunets in flimsies. An unusually nice girl acrobatic dancer and contortionist follows. She's also of the trouman act which normally all done at one time. Twister works in bare feet and on an eight foot circular platform. Does hand springs while sliding leg, combining a handstand with a flip and a wind up in a leg split. Best work is on saucer-like platform where her timing is perfect while doing elbow and chest stands while the crowd of every description. Topper has her weight on chest while posterior is lowered to touch forehead.

King's band gets in its usual session as next offering. Really rouses house with his special arrangement of 'Reverie.' His vocalist, Midge Fellows, further rouses with 'Music in Nursery.' Band is not too good, has learned fast, and has the polish formerly lacking. Her pipes have also added.

York and Tracy in the third spot give out some pretty low dialog and slapstick with gal getting short end of slugfest. Rowan and Keating, winning jitterbug team from last week's act, come out, followed by kid stars. Kids got a pro date at \$100 for the week as reward, and do their bit to enliven show. Very snappy and clean looking duo who have a nifty shagging routine for non-pros.

Miss Bowman's satirizations get her plenty of encores. Her stand-and-ard old picture actress, Mrs. D. R. Old, gives a good one, and takeoffs are solid. Uses some of the pitmen for her girl scouts parade while bowing off with Mrs. President stunt.

Phillips H. Lord's 'Gang Busters' program, as done on the radio, is woven in at just the right spot. All the tricks are crammed in a 16 min. session of door slapping, and shooting, etc. Broken in out of town where it also went over pretty well. A second company is being formed to play the act in the States, and work alone, but a solid inclusion in any vaude bill.

Nick Lucas, back again after about a year, is kept down. Usual requests dropped, and the band leader who gives off with his own three sections, one a new novelty. Also acts as judge for second jitterbug contest.

Grauman himself makes an appearance for certain with his 'Staircase' contraption. House band accompanies from pit as Victor Lucas and kids go on. Novelty of girls and man dancing up and down musical stairs (notes register at machine on top of stairs) makes for smart finale. Hurf.

NEWMAN, K. C.

Kansas City, Dec. 24.
Ben Blue & Co., Cass Daley, The Texas Rangers, Rutan's Dogs, Robbins Bros. & Margie, Bob Oakley, Duke, the showmaker's Orch; 'Hard to Get' (WB).

House is returning to flesh as a semi-holiday here, and has piled its hopes on Ben Blue as the main attraction.

Show is nearest thing to regulation variety bill seen in town in some months, and total average, heavy on the comedy side, which also is in contrast to most previous bills here.

Opening taken by Robbins Brothers and Margie in a challenge and acrobatic dance routine. Girl does her bit solo, brothers in duo, while all show a well paced getaway.

Rutan's dogs, a blonde, puts her quartet of pups through series of canine acrobatics, running the list of doggy accomplishments.

Center stage is Cass Daley who gives the customers some facial contortions mixed with raucous singing and her own comedy antics. Texas Rangers offer the only musical spot on the bill. Rutan's dog vocals and four instruments is drawn from local radio station, KMCB. Show their versatility with pop songs, novelty, range, and variety, a closing sweet potato orchestra. Bunch is well spotted next to closing.

Blue and his crew hold the stage for more than 20 minutes, all devoted to his particular type of silly, but pointed, fun. Best bit is take-off on taxi dance halls, in which he works in a lot of puns and one-liners plenty of laughs. Turn includes Blue's solo comic Russian dance, and a minuet kidded by complete company.

Bob Oakley batons the orchestra and handles the m.c. assignment, including some kidding with Blue and a novelty song on his own. Quin.

ROAD SHOW GUARANTEES

N. Y. Federal Theatre Workers Push New Drive Against Dismissal of 1,000

Federal Theatre players in New York are pushing a new drive to force the Government to rescind its order calling for the cut of 1,000 in the personnel of the N. Y. project. Most recent order came as a shock to the Federation of Arts Projects, composed of all fine arts projects on WPA, which had been assured by Aubrey Williams, assistant national administrator, that the recent order to reduce the payroll had been rescinded.

Since his reassurances Williams has been slated for another berth, while Harry L. Hopkins vacated his national WPA administrator post to become Secretary of Commerce. An army man, Col. Francis C. Harrington has been appointed as Hopkins successor.

There have been so many contradictory regulations concerning the cut that WPA worker committees protesting the slashes are puzzled. However, according to orders reported to have been received in N. Y., where the arts projects are slated to be reduced from 8,495 to 6,996, the largest reduction will be made to the theatre project, those fired being slated to be dropped by Jan. 16. The slash of 1,000 from the payroll constitutes a cut of slightly more than 25% of the total FTP personnel. Other arts projects cut: musicians, 200; writers, 100; artists, 100, and historical records survey, 40. Estimated that 250 will be dropped from the FTP in Illinois.

Stated that the arts federation would even use the radio as a means of appeal. A mass meeting at City Hall is scheduled for Jan. 8 although the city and state are not involved in N. Y.'s FTP, which is under direct control of Washington, whereas other relief projects are partially supervised by the states.

Stated at the capital that the money allocated to WPA will have been expended by Feb. 7. Labor leaders seek a \$1,000,000,000 deficiency appropriation to carry WPA on until the end of June. In congressional circles it's been declared that relief will not cease and that an emergency appropriation will be at the top of the legislative list when Congress convenes next week.

A battle within the N. Y. theatre project is expected. Those of unquestioned professional standing intend to insist that those whose theatrical activities prior to getting on WPA were never clearly established should constitute the bulk, if not all, the dismissals.

In some quarters it's said that the heavy slicing of the theatre project is attributed to activities of alleged radicals in the various departments. Lists of those to be dropped will be watched carefully for any possible 'discrimination' against 'radicals.'

ED WYNN SETTLES FOR \$174,166 TAX

Washington, Dec. 27. Tax tiff between the Treasury Department and Ed Wynn, one of the incidents used two years ago as a horrible example of weaknesses in the revenue laws, was settled Thursday (22).

Truce negotiated by lawyers requires the stage and air comedian to fork over \$174,166 in additional income taxes, with the government dropping a \$145,977 claim against Airwynn, Inc., his personal holding company.

Negro 'Mikado' in Swing Set by de Liagre for N. Y.

When Alfred de Liagre, Jr., brings in the swing version of 'The Mikado,' it will probably be housed at the 46th St. and not under WPA auspices. This is the Negro WPA show currently in Chicago on which Nat Karson did some brush-up scenic production. He will supervise the New York version for de Liagre.

Rehearsals start in about two weeks but principals have not yet been cast.

Shean Into B'way Play After Metro Washup

Hollywood, Dec. 27. Al Shean goes into 'Without Jury,' Broadway legit, soon as he finishes in Metro's 'Broadway Serenade.' Actor's last Manhattan job was in 'Father Malachy's Miracle.'

Leslie Still Up Against Dollar Dearth on Show

Financial troubles that cropped up during the recent abbreviated tryout of Lew Leslie's 'Blackbirds' in Boston continue to badger the colored revue, causing its Broadway opening to be postponed from last week to Thursday (29) at the 44th St. theatre. Equity halted rehearsals Friday (23) when a couple of checks bounced after being tendered to guarantee salaries. There have been other reports of jittery checks and no coin with which to operate.

It was announced that lost scenery caused the debut to be postponed but it's also been reported there was no coin put on the line for the hauling. Up to Monday (26) the stage of the 44th Street still awaited the set.

(Continued on page 43)

56 FOR 4 SHOWS IN 1-NITER TOUR

Between 20-40 Weeks Seen Possible for 321 Stands Outside Key Cities Which Would Support Legit—Linked to Same Procedure Used in Concerts

LOCALS WOULD SPONSOR

Using the same procedure as applied to concerts, the road will be 'sold' next season in many communities but Broadway managers will not be direct participants. Proposition is along lines rather vaguely suggested by the American Theatre Council, which may be ultimately tied in with the plan, along with the League of New York Theatres, though probably not for the 1939-40 period. It appears that ATC's idea has been adopted by out-of-townners who are more familiar with the possibilities in the sticks.

Stated there are 321 stands outside key cities which would support legit shows to a limited degree and that between 20 and 40 weeks of one-nighters are possible. Not more than four stage shows per season are feasible, it's figured.

Specialists in the concert field estimate that not more than 1% of the average town's population attends concerts or recitals but that there's a potential 40% to which legit shows would appeal, a large portion of which has never seen a legit show. Because of that it's fully expected to obtain guarantees similar.

(Continued on page 42)

Ticket Code Violations by Manager League Members to Bring Showdown

Miller to Produce Play By Hecht-MacArthur

Gilbert Miller, who arrived in New York from Europe last week (22), will produce the Ben Hecht-Charles MacArthur play, 'Ladies and Gentlemen,' on Broadway.

He then returns to England in March to produce two French plays, 'Six Floors' and 'Valet Maitre.' Both may be brought to N.Y. if successful abroad.

Unemployment Tax Hits Mgrs. Of Road Shows

Latest headache for managers of touring shows is the unemployment tax, with which some showmen have not complied. While the amounts payable are not large, they constitute an additional operation cost and in some instances are bothersome. This tax is in addition to the Government's social security requirement.

Some states have no unemployment tax laws. However, road show outfits playing those states are liable just the same. It was explained recently that a percentage of the pay-

(Continued on page 43)

A showdown on indicated evasion of the ticket code rules is expected to be demanded at the next meeting of the League of New York Theatres. Alleged failure to retain 25% of capacity for direct boxoffice sales, and the irregular 'buy' of hit tickets for some New Year's Eve performances are principal complaints.

Though the League ordered that all refunds be made to agencies which bought tickets for the performance, only some theatre managements have complied. Letters sent by the League to those who did not demand explanations.

Understood that some theatres took the position that there are no specific regulations as to what locations are to be sold directly by the boxoffice. Other managers are said to have taken the stand that the first 10 or 12 rows should be exclusively allotted to the agencies. Latter point is disputed by the League, which states that the public's share should include all sections of the house. Latter then says that choice tickets could then reach the hands of gyps, with excessive prices resulting. League states that may be true but emphasizes that there should be tickets for all locations available to patrons who do not care to purchase from brokers.

Agency people will watch the holiday reaction on Monday (2) night attendance, which is expected to produce a natural lull. Brokers point out that if buys would be extant tickets for that performance, losses would be shared among the brokers. Their argument is that such unsold tickets would be spread among two dozen or more agencies, with comparative losses held down, whereas under the present system, the drop falls entirely on the theatres.

Some managers who have adhered to the code rules are calling for action, especially about the New Year's Eve tickets which should have been regularly allotted. Little chance that the hits will be affected on that performance, since disposal of most of their tickets has already been made.

Action taken by the League against any of its violating members is also being watched with interest. Some showmen are speculating on the advisability of fining manager-members who are at fault. Equity, a sort of silent partner in the code operation, is reported burning at the reported evasions. It is up to the League, original sponsor of the code, however, to see that the code is enforced.

Equity could cancel the basic agreement with the managers on the grounds that the code is not working effectively enough. It is doubtful, then, if that would excite the managers, since all changes sought by the association were effected before the agreement was slated.

2 GRANTED PLEAS IN TICKET CONVICTIONS

Phil Guyran and Sol Bloom, of the Leo Newman ticket agency, who were sentenced to serve alternate Federal terms for admissions tax irregularities, won a reprieve Friday (23) in New York Circuit Court of Appeals when Judges Sawn, Manton and Hand ruled in their favor. They had been sentenced to four months each, one to follow the other upon termination of his incarceration. Sentences had formerly been reported to be for six months, but that was in error.

Government petitioned the court not to decline the application to reinstate the appeal, which originally had not been filed within the 30-time limit. Petition was denied and attorneys Fowler and Fay, for the defendants were ordered to file briefs by Tuesday (2). Ticket men had been represented by other legal advisers when the appeal period was permitted to lapse.

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Equity May OK Experimental Theatre Only If Under Sole Control of Players

Most of last week's Equity council session was devoted to consideration of a committee report on the experimental theatre idea. Some want the movement to be okayed on the grounds that it may open up the way for more actor employment, but others, aware of the past history of such ventures, are distinctly skeptical of results.

It's claimed by the latter that nearly all forms of cooperative playing, which the experimental theatre involves, have invariably flopped, mostly so far as the actors are concerned. Pointed out that other stage unions, all of which pivot around the actors association, have steadfastly refused to consider cooperative shows. Stagehands, scenic people and musicians are paid, while the players receive nothing, it's been brought out.

One proposal made to Equity recently calls for complete ownership and operation by players and it's likely that ventures of this kind will be okayed. Special rules whereby commercial managers would in no way participate will be worked out. Especially to be guarded against will be managerial schemes whereby plays might be tried on the cuff.

Some in the council favor concessions. They are said to be urged by jobless players who want to use every angle that might lead to engagements. Principal argument of these players is that if they are seen in action by the talent scouts, the opportunity for jobs may come.

Close observers believe there aren't enough regular engagements for more than one-third of Equity's membership, and unless the winter season spurs that percentage will not be materially changed. There's a bigger portion of the chorus members working because of the increase in musicals this season. After much pro and con discussion it was decided that the committee's report be transcribed and turned over to the executive committee for further consideration.

Pressure on Equity by members not engaged had been somewhat lightened by the Federal Theatre Project for the past two years or so, but much attention is currently being given to the relief outfit, which threatens again to saddle the officers with problems due to the ordered reduction of the WPA complement.

KIDNAPPING HORROR MOTIF OF SYMPH

Philadelphia, Dec. 27. Musical composition based on the kidnapping of the Lindbergh baby, tagged 'Lament for the Stolen,' will be given its world premiere at the Philly Orch concert of Dec. 30 and 31. Clefing, designed for a women's chorus and the orch, is by Earl McDonald, key composer and member of the music faculty at the University of Pennsylvania. It accompanies a poem by Katherine Garrison Chapin, who, in private life, is Mrs. Francis Biddle, lawyer now serving as chief counsel in the Congressional inquiry into TVA.

Eugene Ormandy will conduct and the choral parts will be sung by a solo choir of 16 and a chorus of 200. Subject is described as a 'maternal protest against the horror of kidnapping.' It was suggested by Mrs. Henry S. Drinker, Jr., for many years a leader in the development of American choral music.

ATLANTA WILL GET MET

Culture Guaranteed By \$52,000 Fund—Four Performances

Atlanta, Dec. 27. This center of Southern culture is again rising to the bait dangled by Metropolitan Opera Co., a \$52,000 guarantee for four performances at City Auditorium in April. Victor Lampa, 'Smile' director, and heads of citizens' committee working for return of opera, last week informed Mayor William B. Hartsfield, Met would come here in 1939 for that amount.

U. S. Holds '2-A-Day'

Los Angeles, Dec. 27.

Uncle Sam is still in sole possession of 'Two-a-Day,' the Federal Theatre Project's cavalcade of vaudeville, now showing at the Hollywood Playhouse.

That was the gist of a wire from Washington to James R. Ullman, Southern California director, in answer to reports that the show had been bought for production in New York.

AGMA MAKES 17 DEMANDS ON CONCERTS

Points at issue between the American Guild of Musical Artists and the two major concert managements (Columbia Concerts Corp. and NBC Artists Service) are contained in the following 17 demands by the union.

1. Licensing of all concert managements; all managements must agree to represent only Guild members.

2. Submission of all disputes to a permanent board of arbitration.

3. Standard contracts, with a clause permitting cancellation if not enough engagements are obtained.

4. Clause permitting cancellation of radio representation if not more than 10 engagements are obtained during the year.

5. Managements to observe Screen Actors Guild rules in all film representation.

6. All copies in triplicate, with one copy to be registered with AGMA.

7. Commissions to be figured on the net fee (gross, minus fee for accompanist and transportation costs, etc.).

8. Commissions to be limited to 15% for concert, 10% for radio, opera or films; other commission terms to be set later for foreign engagements.

9. All artist contracts with corporations must state what member of the corporation is handling the artist, and if such member leaves the corporation the artist may cancel the contract; no contracts may be assigned without permission of the artist.

10. Corporate managements must give evidence of financial responsibility or furnish a bond.

11. Managements must supply artists with statements every three months, listing all inquiries for the artist's service and all activities in the artist's behalf.

12. Individuals denied licenses by AGMA may not be employed by other managements.

13. Artists who feel that their management is obtaining too many other artists on its lists may cancel their contracts, subject to arbitration.

14. Managements must pay to AGMA a licensing fee of \$10 a year for every artist handled.

15. Existing contracts must be modified to conform to this agreement.

16. Managements must submit to AGMA annual statements regarding their community, civic or cooperative concert courses and listing (a) total income and number of subscribers in each city, (b) organization cost and overhead, (c) number of artists appearing on each course and (d) fees contracted for and actually paid to artists.

17. Yearly modification of the above agreement.

Engagements

Glenn Anders, 'Slylark.' McKay Morris, 'The American Way.'

Walter Abel, Ruth Gordon, Nicholas Joy, Herbert Yost, 'The Birds Sing.' Clinton Sunberg, Dawn Roland, Richard Barber, Robert Ross, Stars in 'Your Eyes.'

Canada Lee, Harry Mestayer, Louis Sharp, Oliver Barbour, Maude Russell, Ethel Prunelle, Dorothy Paul, 'Mamba's Daughters.'

Current Road Shows

(Week of Dec. 28)

'Amphitryon'-'Sea Gull' (Lunt and Fontanne), Erie, Chicago.

'Angels in 32' (Sinclair, Lewis), Hartman, Columbus (30-31).

'Dear Octopus' (Lillian Gish-Rose Hobart), Plymouth, Boston.

'Golden Boy' (Phillips, Holmes-Jean Muir), Grand Opera House, Chicago.

'Golden Boy' Shubert, Brooklyn.

'If I Were a Rich Man' (George M. Cohan), American, St. Louis.

'Leaning on Letty' (Charlotte Greenwood), El Capitan, Hollywood.

'Of Mice and Men,' Cass, Detroit.

'Our Town,' Nixon, Pittsburgh.

'Pins and Needles,' Masonic Auditorium, Rochester (28-29); Erlanger, Buffalo (29-30).

'Set to Music' (Beatrice Lillie), Shubert, Boston.

'Shadow and Substance' (Sir Cedric Hardwicke), Selwyn, Chicago.

'Susan and God' (Gertrude Lawrence), Harris, Chicago.

'The Importance of Being Earnest,' Fabst, Milwaukee (31).

'The Primrose Path,' Maryland, Baltimore.

'Tobacco Road,' English, Indianapolis.

'Victoria Regina' (Helen Hayes), Forrest, Philadelphia.

'What a Life,' Locust St., Philadelphia.

'White Steed,' Chestnut St., Philadelphia.

'Whitecaps' (Ethel Barrymore), Auditorium, St. Paul (28-27); Lyceum, Minneapolis (28-31).

'Women,' National, Washington.

Road Shows

(Continued from page 41)

lar to those given concertists who annually journey through the hinterlands.

Plan generally is to have each stand in the 'circuit' guarantee \$5,000 for the four acts, which would play six nights weekly, plus the customary two matinees. Shows would in no way play on percentage and so it's possible for the local sponsors to earn goodly profits, which has also become possible with concert bookings. That phase of the idea is quite different from the old type of road show, which sought the major end of the takings.

Average Gross \$7,500 Weekly

Indicated that the average gross of shows playing under the new plan would be around \$7,500 weekly. Costs have been estimated and budgeted, except for transportation, which would partly depend on the distance between cities.

A force of 12 would be sent into the field to act as salesmen, not advance agents. As salesmen they would not be within union's minimums which would be required were they understood to be advance agents. They would be paid according to results but would also have drawing accounts. Plan is similar to the subscription idea, yet differs from the subscription plan used by managers in key towns. Many of the stands expected to be booked are spots where universities and schools are located.

Possible that if the plan is successful the first season, more shows could be added for following seasons. Sponsors believe the plan is the first logical step towards bringing back the road. At one time there were 1,200 stands that supported road shows but many dropped out because of the turkeys so long foisted upon them while most of them quit because opposed diversions had developed.

Original productions are to be purchased and cast in existing exercises, with the better known Broadway plays obtained. Original producers would be paid fixed royalties. In return they would be expected to supervise the casts and direction.

Plans said to have been negotiated for the first touring season a 'Golden Boy,' 'What a Life' and 'Bachelor Born.' The fourth play is not definite but the Mercury Theatre's 'Julius Caesar' is being considered. Shows that may have questionable dialog would not be considered, in deference to small town standards and also because a goodly percentage of the audiences is expected to be youthful—that segment which would be witnessing a professional show for the first time and would, therefore, be more impressionable.

Arthur M. Oberfelder, of Denver, heads the group which would tour the shows next season, according to the plan outlined. He has been a specialist in the road concert field

Inside Stuff—Legit

Exploitation plans for 'The American Way,' slated to have the largest cast of any show this season, include publicity on a scale comparable with 'The Great Waltz.' 'Way' will debut at the Center, Radio City, New York, Jan. 21. Prior to that time outdoor billing will appear within miles outside of the metropolis. Show's sponsors expect the 'play about America' to be one of Broadway's major attractions for World's Fair patronage.

During the engagement of 'Waltz' at the Center, the operetta was given the strongest exploitation ever accorded a legit. That was possible through the Rockefeller interests, which control the theatre and had a percentage of the show. Radio programs and picture house trailers were used in addition to outdoor billing and advertising matter distributed through roadside gas stations. Understood the same plugging will be employed for the new drama's engagement.

Sam H. Harris and Max Gordon are coupled as presenters of the George S. Kaufman and Moss Hart cavalcade. Reported that others are in on the financial end. Gordon presented 'Waltz' and Hassard Short, who's staging 'Way,' also did the same for 'Waltz.' Hart wrote the 'Waltz' book.

There will be 250 people on the stage, although a goodly percentage will be extras. Fredric March will be featured. His wife, Florence Eldridge, is also in the cast.

Flock of stage names current in Broadway shows attended the christening last week of the New York's World's Fair Christmas tree, fashioned in the form of a pylon and periscope, spotted at Broadway and 46th street. They assembled in the office of John Golden prior to the event and one of the party left a muffer there. Ad appearing in the New York Times Friday (23) read:

'Olson and Johnson, Walter Huston, Teddy Hart, Sophie Tucker, Helen Claire, Bill Gaxton, Victor Moore or Gladys Cooper, you left your muffer in my office. Will you please send for it.' Golden's name was affixed. Manager is chairman of the Fair's advisory committee on entertainment. When the players assembled, general manager Dixie French, who was not aware of the tree stunt, wondered what attraction the showman had in mind for casting.

Casts, backstage crews and house staffs of 'Abe Lincoln in Illinois' (Plymouth, N. Y.) and 'Knickerbocker Holiday' (Barrymore, N. Y.) were given Christmas bonuses by the Playwrights' union, providing a week's salary. Low-salary players were given a week's salary, while the higher bracket players received a half-week's coin. Raymond Massey and Walter Huston, the respective stars, did not participate, nor did the cast of 'American Landscape' (Cort, N. Y.), the other Playwrights' show. Latter is said to be getting better salaries than the 'Abe' and 'Knickerbocker' players.

Stagehands and musicians at the Plymouth and Barrymore were each given liquor, while the boxoffice men a week's salary. Low-salary members of the Playwrights' production and office staff received a week's salary.

With 'Victoria Regina' closing its return engagement recently at the Martin Beck, N. Y., it grossed about \$4,412,200, including taxes. Figuring on weekly average of about \$25,000 for the starting five-week tour, which will wind up the show, it will have grossed approximately \$125,000 more. Including New York and the road, the show will have played 123 weeks for a total of 967 performances.

After tryout in Washington and Baltimore it opened late in December, 1935, at the Broadhurst, N. Y. Played through the 1935-36 season and 1936-37, with the exception of a layoff in the summer of 1936. Again laid off the summer of 1937, then went on a 41-week coast-to-coast tour during the 1937-38 season, on which it grossed about \$1,250,000. Harry Essex has been company manager throughout.

'1686—and All That,' musical with an English history background, which was given for two nights at the Windsor, N. Y., last week by the Yale Dramatic Society, ran up against union requirements at the same time. The Theatrical Managers, Agents and Treasurers union demanded that a press agent be hired at \$150 for the week, although the date called for but two performances. Stagehand requirements had been anticipated, however, and they were met. Collegians were accorded a concession by the musicians union, two of its group playing the score on pianos.

Prestige publication of plays in book form is the dominant element in editions of this sort. The average sales are modest, usually 4,000 to 5,000 copies, so the dramatist can't make anything on his straight 15% royalty. Nor does the publisher, but it looks good in the catalog. A play like 'Shadow and Substance,' getting strong Catholic organizational backing, has sold 5,000 copies, considerable big, and rather sensational are the 8,000 copies of 'I'd Rather Be Right,' which is deemed extraordinary, especially in view of the fact that the musical show by no means reads as well as it plays.

Lunts are getting plenty of 'living trailers' for their Pittsburgh appearance in 'Sea Gull' next spring. Duquesne University drama school did Chekhov play last week, it's being prepared for a late December production by newly-organized Laboratory Theatre in that city and at least two more amateur groups are planning it for February and March showings there. Lunts recently played a Pittsburgh week in 'Amphitryon' and return in April to split eight performances between 'Gull' and 'Idiot's Delight.'

'Outward Bound,' revival which opened at the Playhouse, New York, Thursday (22) is the first Broadway show this season to get 'four stars' by Burns Mantle, critic for the N. Y. Daily News. Tab is the only daily in the metropolis using the star system in judging plays and films. Only show which Mantle similarly regarded last season was 'Prologue to Glory,' a WPA-er.

Equity's James O'Neill narrowly escaped last week when a fire broke out in his New York hotel room while he was asleep. Short circuit is said to have caused the fire which, in addition to damaging O'Neill's clothes, also scorched his face, forcing him to remain abed.

but also has figured in legit stock production and has an inside on what the smaller stands want in the way of entertainment. Oberfelder is said to have the backing of people connected with a Chicago advertising agency. He's fairly well known to New York showmen. He explained that Denver, with a population of over 300,000, had only two shows this season because only attractions to and from the Coast are practical bookings.

Figure in Rotary Stock

Oberfelder figured in a rotary stock project several seasons ago, in which 10 stands were played for a time and then supposed to be the one solution to the road but did not pan out. Later, it was recognized that the smaller stands could not

support attractions for a week. The one-night plan is expected to alleviate that, but the rotary stock scheme is reported having backed the rotary stock scheme. Robert L. Hague is also said to have been a financial participant in the plan.

Believed Equity would endorse the new plan as it did the rotary idea. Touring companies may only partly end the same executive set-up as for average road companies and a saving in operation is expected. Shows would be delivered at the contract price, local sponsors taking care of rentals, stage crew and advertising costs. In addition to trailers and transportation, the trucking will be part of the shows' expenses along with billboard and window advertising.

'Susan' Bows Out of Chicago With Fine \$14,000; 'Shadow,' 'Boy' In

Chicago, Dec. 27. With pre-Xmas over, the legit spots have returned to normal. 'Amphytrion 38' resumed at the Erlanger after a week's lay-off and will gallop through another fortnight before ramping for 'The Sea Gull,' the second of the Lunts' presentations for the American Theatre Society season.

Three shows opened over the holidays. 'Golden Boy' returned for another try, this time with a new cast. Opened at the Grand on Sunday (25) on an attempt to garner trade at 'pop prices.' 'Shadow and Substance' arrived at the Selwyn last night (Monday) and is scheduled for a four-week venture. Federal Theatre Project came through with one of its most important and auspicious ventures on Sunday (25) with its production of 'The Copperhead,' Ian Keith in the leading role.

'Susan and God' is winding up its smash run, and quits on New Year's Eve after 11 powerful weeks at the Harris. Could keep for several weeks longer but John Golden and Gertrude Lawrence have other plans. In the future are 'What a Life,' 'Kiss the Boys Goodbye' and 'Our Town.'

Estimates for Last Week
'Amphytrion 38,' Erlanger (3d week) (1,400; \$2.20). Resumed last night (Monday) after week's vacash, and a cinch for top coin for final two weeks.

'Golden Boy,' Grand (1st week) (1,300; \$2.20). Came in on Christmas night (25) with a new cast for a repeat try.

'Shadow and Substance,' Selwyn (1st week) (1,000; \$2.75). Opened last night (Monday) for a four-week try. Advance okay.

'Susan and God,' Harris (11th and final week) (1,000; \$2.75). Had a great run here. Was the only show operating last week and bucked the holiday with exceptional ability by taking down a fine \$14,000.

WFA
'The Copperhead,' Blackstone. Opened Christmas night, and with Ian Keith and general production thought to be one of Federal Project's outstanding efforts.

'The Mikado,' Great Northern. Colored swing version is going strong.

Tax Hits Mgrs.

(Continued from page 41)

roll is payable to the Federal arm, which in turn allocates shares to the various states. Some managers have decided to pay the levy direct to the Government, permitting the authorities in the several states played to collect therefrom, thereby avoiding bookkeeping details.

Using that method, the amount is computed on the basis of 3% of the salaries paid. For example, on the road the weekly unemployment levy will vary but will usually approximate \$100, with musicals calling for higher sums.

For 1939, social security levies for all employers will be increased to 3%, but individuals will pay as benefits deduction from salaries and wages being 1% on the first \$3,000 earned.

'Earnest' for M'w'kee

Milwaukee, Dec. 27. 'The Importance of Being Earnest,' starring Clifton Webb, new production of Oscar Wilde's play, opens New Year's Eve at the Pabst here, the first legit show Pabst has booked this season.

Heretofore has run foreign films and amateur productions. Only other legit show booked for this season is the Lunts in 'Sea Gull' and 'Amphytrion 38.'

Shows in Rehearsal

'Voices in the Night' (Jeremiah)'—Theatre Guild.

'One for the Money'—Stanley Gilkey and Gertrude Macy.

'Stars in Your Eyes'—Dwight Deere Winans.

'The American Way'—Sam H. Harris and Max Gordon.

'Mamba's Daughters'—Guthrie McClintic.

'Gentle People'—Group.

'Henry IV'—Maurice Evans.

'Importance of Being Earnest'—Aldrich and Myers.

Protest So. Cal. Firings

Los Angeles, Dec. 27. Supervisors of Federal Theatre Project in Southern California formed their own organization to protest against the summary dismissal of 25% of the Project's personnel in this territory.

New body, known as the Supervisors Forum, is not a labor organization as most of its members are veterans of theatrical and trade unions. Lorin Baker is chairman of a board of governors, each representing one of the four FTP divisions: Chalmers Day, administrative; Willis Lusher, production; Jerome Coray, drama, and Peter O'Crotty, publicity.

Forum, representing some 1,400 project workers, asks sick and annual leave benefits, which have been granted other FTP divisions through the country. Its motto is:

'Not to discuss without action, not to act without discussion, but to make—not money or prestige—but an American Theatre.'

Dennis King, Jr., With Dad When Latter Subs For Evans in Canada

Toronto, Dec. 27. Last-minute discovery that Maurice Evans' contract with his partners forbids flying during current New York run of 'Hamlet' caused sudden upset in plans whereby Evans was to play the name-role in an hour dramatization of the same play which was to be broadcast last Sunday (18) over a trans-Canada hookup as the final production in the Canadian Broadcasting Corp.'s Shakespearean series.

Dennis King, who starred Nov. 27 in 'Richard III' in the 13-week CBC series, was hastily signed to fill the 'Hamlet' broadcast breach. Evans had been set for the role, but found that his Broadway engagement in the same play would not permit his catching the last train (11:40 p. m.) for Toronto. He had completed arrangements to fly Sunday morning when contract clause banning such mode of transportation came to light. King, however, after the 'I Married an Angel' curtain, was able to sprint for the Toronto train. After the CBC stint, he motored to Buffalo and from there caught the 12:40 plane Monday (19) for New York. Appearing with King in this last stanza of the CBC Shakespearean series was his son, Dennis Jr., who played Rozenkrantz. Youngster, 17, is attending Upper Canada College here. Seven classmates and a master attended the father-and-son appearances.

Future Play

'The Philadelphia Story,' new comedy by Philip Barry, has been acquired by the Theatre Guild as its fourth production of the season. Play, which has Katharine Hepburn as one of the leads, goes into rehearsal soon. Road tour is planned prior to its Broadway showing.

Evans' FTP Post

Los Angeles, Dec. 27. Julius Evans was appointed executive secretary to James R. Ullman, new director of the Federal Theatre Project in Southern California. Until recently Evans was assistant to Everett Riskin at Columbia, and at one time eastern play editor for Samuel Goldwyn.

SUSPEND THESPIANS

St. Louis, Dec. 27. Rowdism of students at Washington University (St. Louis) caused the indefinite suspension last week of Thyrsus, dramatic organization, and of the Quadrangle Club, which presents the university's annual musical comedy, by Dr. George W. Stephens, dean of students.

Ban caused by disturbances during the presentation of 'Ghost of Yankee Doodle' several weeks ago and previous plays.

Xmas Licks 'Road's' 6th Cincy Try, 4½G

Cincinnati, Dec. 27. Dark this week, the Cox reopens Jan. 2 for four performances in three days of 'Our Town' with Frank Craven at \$2.75 top. Sinclair Lewis, in his own play, 'Angelo's Is Twenty-two,' comes in Jan. 3-7 for night shows and a Saturday matinee at same scale.

Then follow Ethel Barrymore in 'Whiteoaks,' week of Jan. 23, and the Group Theatre's 'Golden Boy' for week of Jan. 29.

Estimate for Last Week
'Tobacco Road,' Cox (1,335; \$1.70). Repeating after a week's absence for its sixth Cincy engagement, was unable to weather Xmas-shopping opposition after big Sunday night opening. Fetched \$4,500. Got \$10,000 in its previous visit here.

YONKERS' HUB EXIT AT \$12,000

Boston, Dec. 27. 'Merchant of Yonkers' finished a good two-week tryout here Saturday (24), withstanding the Christmas dent in biz to a heartening degree.

'Set to Music,' new revue by Noel Coward, starring Beatrice Lillie, opened Monday (26) with big advance sale. 'A Moral Entertainment,' a Federal Theatre preem opens tonight (27). And 'Dear Octopus' by Dodie Smith, English family play making American debut, unveils tomorrow (Wednesday).

Estimate for Last Week
'Merchant of Yonkers,' Colonial (1,643; \$2.75) (2d week). Jane Cowl starred bolstered at h.o. by ATTS subscription list during two weeks here. Piece running better when it left town, but still a dubious Broadway possibility. Good \$12,000 for final frame.

'KISS BOYS' ROAD UNIT OPENS IN BUFF. JAN. 12

Road company of 'Kiss the Boys Goodbye,' current at the Miller, New York, is due to open in Buffalo Jan. 12. It then goes to Chicago where it will be spotted in the Harris. Dependent on whether the show gets across out of town, other touring units of 'Kiss' are in order.

Brock Pemberton, who presents the Claire Booth company, proposes another company through the south and a fourth troupe for the Coast. Idea is to cover the road as quickly as possible, although there is no deal pending for the film rights.

Leslie B. R. Jam

(Continued from page 41)

tings. That evening, however, there was a run-through of the show, in expectation that fresh back would be secured.

The Kramers, who operate the Edison hotel, N. Y., originally backed 'Blackbirds' but then quit. They changed their minds, however, and the opening lot set until Equity attempted to certify some of the paper. Association had \$1,350 on deposit, but the show was still \$300 short. Money held by the association only covers union members. The rest are skedded to join after the show runs one week.

As the players had received little pay, association did not require the non-members to kick in \$59 to cover initiation and dues prior to the show's Broadway start. That was true of the Boston date, which ended when the stagehands demanded that wages be assured. Daily, the night conferences have been held by those interested in an attempt to solve the financial jigsaw.

Bowers to the Coast

William Bowers, author of 'Where Do We Go from Here,' which had a short Broadway stay last week, is trained back to the Coast yesterday (Tuesday). He will team with Dwight Taylor as a freelance screen writer.

Bowers had planned to remain east and try to become established in legit, but the sudden illness of Don DeFore, among the best of players from the Coast, scuttled that idea. DeFore is in a New York hospital recovering from an operation.

Xmas Holidays Plus 14 Matinees Boost B'way; Preems Swell List To 27 or 28; 'Outward Bound' OK

Bad weather is the only factor that should affect the season's clean-up week, a natural for playgoers. The heavy draw started with Christmas matinees, Monday (26), and concludes New Year's Eve (Saturday). There were 14 afternoon performances as a starter, with business good. In addition to the commercial arrivals, there are also some special children's shows, plus several WPA-ers.

Broadway's list will total 27 or 28 attractions when the premiere card is completed, depending on the questionable debut of one entrant. A jam of three openings was caused when original starting dates were shifted to last night (Tuesday), leaving Monday (26) free of newcomers. In addition to the commercial arrivals, there are also some special children's shows, plus several WPA-ers.

One of the recent additions is a revival of 'Outward Bound,' which was warmly greeted at the Playhouse last week. Reported attendance indicates the play has a chance to compare favorably with the original engagement of about 14 years ago. 'Window Shopping' did not fare well at the Longacre, press being out the down side.

Favorable reports of several openings out of town point to promising newcomers next month. Next week's premieres: 'Great People,' Belasco; 'The Prince and the Pauper,' Belmont; 'Mamba's Daughters,' Empire, and return of the D'Oyly Carte Gilbert and Sullivan operettas at the Beck.

Estimates for Last Week
Average grosses estimated inasmuch as attendance during the week before Christmas is not indicative of normal takings.

'Abel Lincoln in Illinois,' Plymouth (11th week) (D-1,036; \$3.30). Unquestionably the dramatic leader; quickly built to capacity pace of \$21,000 and should stay at that level indefinitely.

'American Landscape,' Cort (4th week) (D-1,058; \$3.30). Started off tepidly; takings around \$5,000; should get share of holiday trade, but chances depend on going after New Year's.

'Bachelor Born,' Broadhurst (48th week) (C-1,107; \$3.30). Resumed after week's lay-off; has been firing with a vengeance, getting by on 'winning plan'; may move again, as this house is to get 'Dear Octopus' soon.

'Blackbirds,' 44th St. (1st week) (R-1,323; \$2.75). Postponed from last week and now slated to light up Thursday (29).

'Bright Rebel,' Lyceum (1st week) (D-1,019; \$3.30). Presented by William Kilcullen; written by Stanley Young; one of four premieres Tuesday (27).

'Boys from Syracuse,' Alvin (6th week) (M-1,255; \$4.40). Should be among prominent musicals on the list for the World's Fair crowds; paced around \$30,000.

'De Muses,' Vanderbilt (1st week) (C-800; \$3.30). Presented by Philip Barber and others; written by Doris Frankel; another Tuesday (27) debut.

'Every Body Has a Secret,' National (1st week) (D-1,164; \$3.30). Presented by Marc Connelly and Bela Blau; written by former and Arnold Sundgaard; opening postponed until Thursday (29).

'Hellzapoppin,' Winter Garden (15th week) (R-1,671; \$3.30). Numbers one call in agencies and at box office; revues of the season and should run one year or more; \$30,000 and over.

'Here Come the Clovins,' Booth (4th week) (D-704; \$3.30). Controversial opinion and comment over drama should enhance chances; paced between \$5,000 and \$7,000.

'I Married an Angel,' Shubert (34th week) (D-1,307; \$4.40). Until new musical successes arrive, this one was Broadway's front runner; maintained \$28,000 pace for months; now has dipped under \$20,000, but should come back.

'Kiss the Boys Goodbye,' Miller (14th week) (C-944; \$3.30). Comedy topper looks set for full season's stay; somewhat affected by pre-Christmas lull; \$15,700 or virtual capacity averaged, but extra matinee weekly after first of year.

'Knickerbocker,' Holiday, Barrymore (11th week) (M-986; \$4.40). Started promisingly with takings over \$20,000; dipped to \$15,000, but should come back and span winter period.

'Leave It to Me,' Imperial (8th week) (M-1,468; \$4.40). Got off to fine start and has been topping all grosses; not much under the \$34,000 level.

'Michael Dross In,' Golden (1st week) (C-789; \$3.30). Presented by

Edward Massey and Marie Louise Elkins; written by William DuBois; tried in summer theatre; opened Tuesday (27).

'Oscar Wilde,' Fulton (12th week) (D-913; \$3.30). Climbed to capacity and virtually held pace first two months with takings as high as \$17,000; eased off, but still drawing excellently.

'Rocket to the Moon,' Windsor (6th week) (D-1,949; \$3.30). Moved here from Belasco Monday (26), latter house getting 'Gentle People' next week; 'Rocket' rated around \$8,500, which is profitable.

'Sing Out the News,' Music Box (12th week) (R-1,019; \$4.40). Resumed Monday (26) after two week lay-off; may move in mid-January to make way for 'Set to Music'; 'News' averaged over \$15,000; fair for revue.

'Spring Madness,' Morosco (4th week) (CW-961; \$3.30). English import figured for fair engagement; started with pace around \$8,000 or slightly more.

'The Merchant of Yonkers,' Guild (1st week) (C-914; \$3.30). Presented by Herman Shumlin; adapted from Austrian 'He Will Be the Devil of a Fellow' by Thornton Wilder; drew the business in Boston; opens tonight.

'Tobacco Road,' Forrest (26th week) (D-1,107; \$1.65). Advertising takings during World's Fair, management hoping to establish new run record; \$4,500 okay because it costs little to operate.

'What a Life,' Biltmore (37th week) (C-913; \$3.30). Has been cutting rates and with cast sharing plan, has been getting by with takings around \$3,500; moves to Mansfield to make way for 'The Primrose Path' next week.

'Window Shopping,' Longacre (2d week) (D-1,019; \$3.30). Opened late last week; drew adverse press and chances uncertain.

Revalids

'Blossom Time,' 46th St. (1st week) (M-1,375; \$3.30). Broke new ground for the holidays after touring many seasons; opened Monday (26) at matinee.

'Hamlet,' St. James (11th week) (D-1,529; \$3.30). Resumed Monday (26) after a week's lay-off; got as high as \$20,000; another four weeks; 'Henry IV' will follow.

'Outward Bound,' Playhouse (2d week) (C-878; \$3.30). Drew virtual rave press after opening last Thursday (22) and indications are for excellent engagement.

Added

'Pins and Needles,' Lorch Stage (57th week) (H-500; \$2.75). Garment workers union revue averaged \$6,000 to profit in small house; under that figure lately, but should perk up; indefinite run.

'The Girl From Wyoming,' American Music Hall (10th week). Appeared to be getting by with help of beer and booze in night spot.

'Ruth Draper,' Little. Back for two weeks of solo character sketches; opened Monday (26).

WFA

'The Big Blow,' Elliot.
'Andros and the Lion,' ette, Harlem.
'Pinocchio,' Ritz.

Equity Grants Pay Concessions to Stock Group in Jersey

After holding out for some time, Equity has granted a concession on Sunday stock performances in Woodcliff, N. J. Jules Leventhal, who operates the stock, will be required to pay additional salaries for Sundays, however. Cast gets 11/10 for one Sabbath show and 12/10 if Sabbath matinee and night performances are played.

Under the rules, stock is permitted 10 performances weekly, additional shows calling for a pro rata increase in pay. At Woodcliff, however, there has been an average of eight performances, and because of low attendance, Wednesday afternoons are excluded for Sunday showings.

Another stock group operating in Jersey is at Maplewood, which has continued that policy after a summer start. Starting this week there are also two stocks in Brooklyn, N. Y. Only other stock known to be operating in the area around Kansas City, Mo., is known as 'Circle stock,' usually playing one-acters in surrounding territory.

Plays on Broadway

Bruce Lane, George Wolcott
Barbara Denny have been added

See E'klyn Eagle Bow Settled

Conferences between management of Brooklyn (N. Y.) Eagle and Newspaper Guild point to settlement of differences which last week threatened to halt publication of the daily. Likelihood is that publisher will win his point and dismiss around 15% of the editorial and business staffs.

Publisher's claim is that the daily is greatly overmanned. He asked the Guild to accept either a 20% reduction in staff or salaries. Understood Guild has conceded staff is too heavy, but has balked at 20% reduction. Expected that Guild will agree to perhaps as much as 15% of the editorial and business force going, with ratification due tomorrow (Thursday).

Real's Necessary Expansion

Activities of the Real Book Co. are currently divided between the Woolworth building and the Barbican Plaza hotel, New York, as a result of the firm having been caught with a near best-seller on its hands. Book is 'If I Were a Jew,' by N. Y. Supreme Court Justice William Harman-Black. Specialized publishing house, in the Woolworth building for over 15 years, figured the Justice Black volume another one of those things. But, pre-publication response was such that additional publishing space had to be procured in a hurry. With the result that a suite was engaged at the hotel and the book will be published out of there under the Real imprint, although the concern's other activities continue downtown. Milton J. Freedman is in charge of the special book publishing branch at the hotel.

Gotta Believe It Now

Legend that the working newspaperman rarely, if ever, gets around to writing that book proved a gross error in a survey undertaken by the Journalism Department of Notre Dame University. Country's metropolitan newspapers showed unusually large number of authors. Leading all other metropolitan dailies in book writers is the Chicago Daily News, with 23. N. Y. Daily News second, with 16, and Detroit News third, with 14. Survey, which also queried 149 leading authors, showed more than half had had previous newspaper experience.

Hersey Edits Pulp Chain

Harold Hersey, for years a leading pulp magazine publisher and editor, returns to the industry as editor of what will be a string of 10 or 12 periodicals to be published by a new organization, Fact Magazines. Starter is to be Fact Detective Magazine, publication of factual detective stuff, to appear next month. Each of the others will be on a different subject, but will operate on the same factual principle. All material must be accompanied by documentary proof of veracity. Head of Fact Magazines is Harry Donnemfield, who has a number of other publishing properties.

Huddle on Top Stories

Prize story awards committee of the N. Y. Newspaper Women's Club is now engaged in selecting four outstanding pieces written by the scribes of the metropolis during the past year. Selections will earn for their writers \$100 each in cash, awards to be made at the club's Front Page Ball at the Waldorf, N.Y., Feb. 10. Chairman of the committee is Kathleen McLaughlin. Other selectors are Miriam Lurie, the club's prez; Ruth Reynolds, Dorothy Dunbar Bromley, Emma Bugbee, Jean Lyon, Sally MacDougall, Loretta Miller and Mary Elizabeth Plummer.

Events in the Black

Completion of second year of publication finds Events, the monthly review of world events, just about out of the red. Spencer Brodney, former New York Times man, its editor and publisher, originally estimated it would be three years before the periodical would go into the black. Brodney edited Current History before starting Events. Undertook his own mag when former publisher, Publishing Co. disposed of Current History. Authority on world affairs, Brodney was on the Times editorial staff before late Adolph Ochs. Times publisher, placed him in the Current History editor's chair.

N. Mex. Authors' Co-op

Group of authors wintering in New Mexico have formed a cooperative publishing organization under the name of New Mexico Writers' Guild. Plan is to publish a variety of fiction, poetry and articles by members in a sort of com-

lined book-mag form. Each volume will contain a single work, but will be complete in itself, but the numbers will be on a sort of mag continuity basis.

Headquarters of the New Mexico Writers' Guild have been established in Santa Fe.

The Stars Say—

Current hot mag subject is astrology, mysticism and the like, with a number of new periodicals on that topic in the making or just out. Ascribed to the reputed big rise in the popularity of astrology.

Besides the many new mags on astrology, there are also a number of new annuals on the subject. These caustic pogs in particular have big sellers since they give a year's reading at a throw. Number of mags on astrology and mysticism now out exceeds a dozen, with perhaps half that many annuals on the same subject.

Nast's New Mag?

Although repeatedly denied by Conde Nast that he contemplates a new mag, special staff at the Nast offices is reported readying new class ad mag, with emphasis on Hollywood femme fashions. Alice Thompson said to be editing, and, although title for the periodical not yet selected, an advertising force is said to be already at work. Similar mag, the Hollywood Woman, began publication a few months ago, also in New York, jointly edited in New York and in the film capital.

NEW PERIODICALS

Man and His Sports, claimed by its sponsors as the most elaborate mag printing job in America, is in the making. Initial issue to appear in May. Publication will be quarterly. Hal A. Salzman publisher, with Michael A. Weiss, formerly of Esquire and feature editor of the Washington Post, C. C. Time-Herald managing editor. Periodical will carry pictures by topnotch sports names only, with first issue to contain articles by Bob Considine, Jim Tully, Vincent Richards, Jack Kofoid, Johnny Weissmuller, Jack Dempsey, Bill Corum, Walter Hagen, Ralph Hapgood, Sammy Hagg, Lawson Robertson, Weiss, and possibly Joe Di Maggio.

Movie Digest, pocket-sized digest mag, is first periodical published in Canada to make a play for American readers. While many American mags go into Canada, no periodical from across the border has ever attempted to buck the terrific competition here. Digest, exactly what its title implies, will have reprints of the best pieces on films and their makers. Editorial offices in Toronto, with American branch editorial office in Mt. Vernon, N. Y. To sell for 25c on either side of the border. Roly Young the editor.

The Americas, mag to make its bow next month, is being published in Los Angeles by the Mayan Co. Will circulate in the U. S. and 21 Latin American countries, covering events of interest to both continents. Not to be confused with a similar new mag, Three Americas, to be published in N. Y. by Rudolf Matthes. Three Americas originally slated to be called Americas incidentally.

Your Personality will be premed by Wilfred J. Funk and Douglas Lorton next month. Will be similar in format to pair's other monthly, Your Life, which, though of general digest mag size, is not a digest. Personality, too, will carry original pieces. Funk otherwise head of the book firm of Funk & Wagnalls. Lorton with the old Literary Digest.

Jungle Stories, pulp quarterly, has been added to the rapidly-increasing string of Fiction House mags. To specialize in tales of the Africa of a past day, along with the other Fiction House pubs, Malcolm Reiss is editing.

Sweden, monthly mag, aimed to better American-Swedish relations. Title a combination of the first syllables of Sweden and America. Issued in N. Y. by the Sweden Publishing Co., Eric Sjöberg editor.

Jerusalem Radio a magazine, has been given the concession to operate by the government, to Paul Boroschek, German emigre. Weekly is edited by Harry Zinder, American freelancer.

Go, sub-titled The Magazine of Washington Life, will debut shortly after the first of year as a sort of New York of the national capital. Norman Hagen publishing fortnightly. Manhattan, eight-page weekly tab covering all fields of N. Y. entertainment and gossip, preems Jan. 4.

Floralbel Muir, Take a Bow Anonymous 'cover' of the Col. Gimp-Ruth Etting trial for the New York Daily News was Floralbel Muir, former Hollywood columnist for the News-Chi Trib syndicate. Newsman watching the accounts to the N. Y. News realized that whoever was covering the trial for the tab was Broadway-wise to the Gimp.

Many of Miss Muir's kidding phrases were fine bits of reporting and evidenced a showmanship slant on the principals.

Garmise Quits Scribner's

Bert Garmise, associated with Harlan Logan in the publication of Scribner's Magazine, has severed his connection with the periodical to publish his own mag. Has plans for a new class monthly, but withholding nature of the publication, title and associations until ready to start. Garmise was sec of Harlan Logan Associates, publisher of Scribner's, and had charge of the mag's circulation.

Continue Atlantic's Offshoot

The Atlantic Presents—, which the Atlantic Monthly put out, recently as a one-shot offshoot, is to be continued along with policy of presenting varied aspects of a single subject in each issue. Next issue, now in preparation, is to be sub-titled 'Labor's Stake in the American Way.' Although the Atlantic Monthly is published from Boston, The Atlantic Presents— will be issued from New York.

Cue's New Subsid

Cue, guide to N. Y. entertainments, has acquired Life, northern New York weekly mag, which is to be merged with Cue, with the name to become a Cue departmental head.

David H. Hedley, Jersey Life publisher, goes along with the purchase. Will handle for Cue territory formerly covered by his weekly.

Pic Mags Dwindling

Seen inevitable following the first gold rush, picture mags are dwindling. Focus is latest to pass out, following the demise of See. Photo History went earlier, And Peek has gone bi-monthly.

Giants stand stalwartly, however. Life and Look have no complaints, and Click and Pic also giving good accounts of themselves.

CHATTER

Herbert Agar goes to London next month.

Margaret Lane has done a bio of Edgar Wallace.

Evelyn Starre, the shortstory scribbler, doing a play.

James T. Farrell has made the British Who's Who.

Hans Otto Storm finishing up his new novel in Peru.

Jonathan Latimer has a Paramount writing chore.

Charles Hanson Towne will have a new novel out soon.

Lawrence Lee the new ed of the Virginia Quarterly Review.

Upton Sinclair has switched publishers, going to Vanguard.

Arthur Kurlan has quit as exec editor of Voyager Magazine.

Alice Kausler, the agent, finally over a long siege of the gripe.

Charles Hoffman sold 'My Wondering Boy' to Good Housekeeping.

Edward McV. Blanner taking in the fights to gain color for a prize novel.

Satevepost changes its publication day from Tuesday to Wednesday, Jan. 7.

Maxine Davis staying with the Carl Brandts since her return from abroad.

J. C. Johnsen has been named as v.p. and editor of the Kansas City Journal.

Plans for Peter Arno to publish a magazine are cold—at least for the time being.

Canadian book firm, Clenray House, has set up an American branch in N.Y.

J. E. Burr has halted his publishing activities for hibernation in Montclair, N. J.

Cecil DeMille wrote a chapter on films for new edition of Encyclopedia Britannica.

Pearl Gray working out a new publishing project which she'll call Gray Publications.

Collier's bought 'Wages of Innocence,' by Leonard Levinson and Leonard Leubauer.

Pittsburgh Post-Gazette has added Cornelius Vanderbilt, Jr.'s, daily 'Going Places' column.

Robert Dearsdorf has joined the publicity staff of Prentice-Hall, the book publishing house.

Louis A. Langreich and Frederic

Majer have quit Young America to form a feature syndicate.

Sammy Fuller's new book, 'Make Up and Kiss,' hit the stalls under the imprint of Godwin Publishers.

John S. Martin, one of Time's editors, has written his first novel. Simon & Schuster will publish.

Annual award of the Book Clinic 'for consistent excellence in book design' goes to Random House this year.

A. Hamilton Gibbs in from Massachusetts and will winter in N.Y., instead of going abroad as per his custom.

Erskine Caldwell about three-fourths through a book of European vignettes. Will contain photos by Margaret Bourke-White.

Antoine de St. Exupery, who wrote 'Night Flight,' finishing another book, which Ann Elmo has already sold to Reynal & Hitchcock.

C. Raymond Everitt, of Little Brown, sailed Monday (28) on the Normandie to look in on some of the firm's scribblers abroad.

Harper's has received Ruth St. Denis' autobiography. Skedded for March publication under the title of 'Ruth St. Denis: An Unfinished Life.' Horace E. Kramer has delivered the manuscript of his first novel to Lippincott. 'Marginal Land' is skedded for spring publication.

Dominio Press, book publishing house operated for some years in Paris by Esther Averill, has been moved by her to New York.

At 31, Delphine du Maurier has five novels and two biogs to her credit. Her newest novel, 'Rebecca,' is the No. 1 best seller just now.

Helen Worden, of the New York World Telegram, has placed her 'Manual of New York' with Doubleday, Doran, for spring publication. John L. Spivak doing a book on Hitler's agents outside the Reich. Modern Age Books will issue it under the title of 'Hitler's Fifth Column.'

Karl Krug, stage-screen critic and nifty columnist for Pittsburgh Sun-Telegraph, celebrating 20th anniversary as Pitt newspaperman this month.

Carlota, the British poetess, here in advance of the publication of her new book of verse by Putnam's. In private life she's Mrs. Louis Oppenheimer.

Claude Bragdon's 'The Beautiful Necessity,' which Knopf will reissue, originally published by Bragdon, himself with his own Manas Press before the war.

Wilfred J. Funk's 'When the Merry-Go-Round Breaks Down,' going into a second edition. Funk one of the very few book publishers who writes them.

Elizabeth Marion, 21-year-old clerk on WPA in Spokane, has sold her first novel, 'The Shadows Gather Round Me,' to Thomas Y. Crowell for April publication.

Paul Michelson to A.P. division headquarters in Kansas City as director of news. New director comes from spot a boardman, where he'd been last eight years.

Jimmie Fidler's contract as Hollywood columnist for the McNaught Syndicate was renewed for 10 years. His daily pillar appears in 116 McNaught-serviced papers.

B. Strable, Swedish scribbler, here to do a book in his native language on New York. He's already done two on Paris. Bo not a nickname, but a given name.

Sam Lowe, head of Whitman Publishing Co., closed a deal with Walt Disney for the publication of 'Donald's Golf Game' and 'The Barnyard Symphony' in book form.

Kenneth Horan, literary editor of the Chicago Journal of Commerce, and whose new novel, 'It's Not My Problem,' is just out, elected prez of the Society of Midland Authors.

New book publishing company in N.Y. has been formed by Everett H. Rupert, to be known as Ardsey Press. Publisher will issue various types of books, excluding fiction.

This year's top rating of Frederic C. Davis as a whodunit scribbler is a vindication for Mrs. Robert Thomas Hardy, who enthused over his mystery tales from the start.

Virginia Faulkner's 'Friends and Romans' to get another dramatization. Robert Morley, the current 'Oscar Wilde' and sometime playwright, will do the new stage version.

J. Stewart Hunter, former editor of Bulletin-Index, Pittsburgh class weekly, and now instructor in English at Pitt University, is doing book reviews for the Scripps-Howard Press in that city.

Edward Hunter, who has been doing mag pieces for a year in New York, after 17 years as a foreign correspondent and editor, off for Europe and the Red Sea region as a roving correspondent.

Bills Next Week

(Continued from page 40)

Hotel Adelphi (Cafe Marguery) Howe, Woman Lou Valero S Harmonia Boys Helen Farnum K'rice & B'Whalen Paul Horne Rene de Jarnette Don Angelina Helen Parnell C Wolf Gla (4) Jackie Beekman Waltman May Girard & Joanne Tony Harris Girard Rean Joe Frassetto Girard & Carol Ladell Club (Blue Room) Ann Rush Virginia Barbara Bradley Joel Foster Jonah's Bar Little Bathhouse Jack Griffin Zorita Bob Arney Barry & Barclay Julia Gerrity Jack Lynch's Jeno Donath Vince & Rita Barbara Zeeman Mona Mitz Gen Stroud 2 Paulova Royas Chilton & Thomas Ann Kirwin Edith Chas Smith Jimmy Rait J Lynch Bld (17) Garish Cafe Pia Gino Marion Allen Johnny Holmes Verona G Ann Fisher Kitty Bebe Fitzgerald Janet Waters Rendezvous Adorables (6) George Scott Chet Fennell Ore Stamp's Cafe Johnny Walsh Sout & Lane Nanette Marron & Gallo Pete Shaw	Hotel Adelphi (Cafe Marguery) Howe, Woman Lou Valero S Harmonia Boys Helen Farnum K'rice & B'Whalen Paul Horne Rene de Jarnette Don Angelina Helen Parnell C Wolf Gla (4) Jackie 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Broadway

Vincent G. Hart, of the Hays office, to the Coast.

Jane Bryan due back from the Coast early next week.

Lynn Farnol to Charleston, S. C., for a part. Ralph J. Barry, Jr., to Helen Hayes will receive honorary degree at Hamilton College, Jan. 15.

Louis Dreyfus back to London Monday (26) after a 14-week stay here.

Bob Reinhardt broke in his new magic act last week at Firenze restaurant.

Treasurers Club having open house each afternoon this week at its office.

Ernest K. Gann out of Kravette's office, Ralph Vinton taking over.

Mrs. Herman Bernie wintering with the Nat Deveriches (Selznick agency) on the Coast.

Florence Marston back on the job as eastern rep of the Screen Actors Guild after recent illness.

Post-Jan. 1 gag in the walk-a-line contest at the Sherry-Netherland, with prizes to the steadiest.

Al Altman, talent executive in the east for Metro, went to his home in New England for the holidays.

Walter Woolf King precedes Eddie Cantor to the Coast by two weeks, leaving on a film commitment.

Will Rockwell, owner of Mammy's Chicken Farm on 52nd street, may do a comeback into the music biz.

Auguring well for the Florida season were the sellout reservations in Miami Beach for the holiday exodus.

Roberta Becker, of the Maurice Evans office, to Boston, where her mother is recovering from a throat operation.

The Jimmy Grangers holidaying with their son, Edmund, producer at Universal. Return east immediately after the first.

Lute Squire (Harry Lang and Squire) running an eatery as a sideline in Hollywood, besides picture and radio work.

Ernie Holst and his El Morocco pranksters presented the chef with a bride's primer on 'how to cook in 10 easy lessons.'

Two guys, standing on the corner, were discussing the Yuletide eve. 'I'm going to augment my orchestra to six pieces,' said one.

New York to Hollywood phone calls over the holiday weekend found three to five-hour delays due to heavy seasonal greetings traffic.

Vic Shapiro back in the p. a. biz to handle picture, commercial and industrial accounts in New York for the Coast Monday (28) to open offices in Hollywood.

Alec Templeton, blind English pianist, to play at the Radio City recitals at Carnegie Hall Feb. 3 for the benefit of National Bureau of Blind Artists.

William Fuhs has arrived from Europe to direct with Majestic theatre orchestra with start of Kurt Robitschke's vaudeville policy Friday (30).

Herb Crocker, boss of Macfadden Publications' N. Y. World's Fair exhibit, plans to plane to the Coast in a day to attend to details on a picture Macfadden will show at the Fair.

Frank Norris, who wrote the 'Killer-Frank' piece on Benny Goodman for Saturday Evening Post, had the two-page layout of Paul Whiteman in current file. Norris is managing editor of Time.

Billie Shaw was on a split-second schedule Sunday (25), completing his clarinet solo with Paul Whiteman at Carnegie Hall at 9:45 p. m. and dashing over to CBS for his Old Gold commercial 15 minutes later for the Coast Monday (28) to open offices in Hollywood.

Mrs. Clifford C. Fischer to Miami for the winter while her husband tends to London and Paris show matters. New International Casino show premeas tonight (Wednesday) with its producer en route home.

Employees of the Paramount kidnaped Bob Weiman's auto and traded it in for a new one, making the down payment, all as a surprise Christmas package for the theatre's boss.

Those weekly bridge sessions at Ben Bernie's, with George S. Kaufman, Max Gordon, Paul Spingold, Billy Rose, Fred Ahlert, Benny Davis and the ole maestro participating, now are attracting kibitzers just for the burn-up luffs.

Billy Rose's new Diamond Horseshoe skipped its premiere dinner show Sunday (25) to the Plaza. Whiteman concert at Carnegie, plus the usual Xmas day lassitude, deflecting the usual first-nighters until the midnight frolic.

Sydney

By Erle Gorrick

'The Women' still major click in Melbourne.

Hoys opening a new house in Preston, Victoria.

ANZT reported dickered to build new legit house in Sydney.

Wanda, maged, is being in Auckland opening for the Fullers.

Par has made a deal with 20th-Fox to spot 'Three Blind Mice' into its

Capitol, Melbourne, prior to further Par bills.

Allan Doone presented 'Molly Yuletide' in Melbourne for short pre-

Cinesound will premiere 'Mr. Chedworth Steps Out' next month over GUT chain.

Miner Angel looks a big winner for Australian-New Zealand Theatres in Melbourne.

Acts playing for Hoys include Will Mahoney, Dick, with Don and Dinah, and Johnny Bryant.

Stuart F. Doyle said to be lining up special overseas attractions for Australia and New Zealand.

Dan Carroll still attempting to bring peace between exhibs and distributors via Film Board of Trade.

Try will be made next year to stop nabe and stix exhibs from going heavily into the giveaway racket.

Harry Howard, through the Fullers and others, preparing for South African tour of 'Hollywood Hotel' next Jan.

After a good run in Melbourne for Tivoli, Larry Adler is the Yuletide attraction in Sydney for same management.

Understood 20th-Fox will erect big offices in Sydney next year.

City Fathers forcing 20th to quit present location due to land deal.

Covent Garden Russian Ballet premiered again in Sydney for ANZT. Costly lineup must pull capacity throughout season to keep out of red.

Minneapolis

By Les Rees

Al Myles, of Universal home office, a visitor.

Knox Hadow, Paramount home-office rep, a visitor.

Flu downed Harold B. Johnson, Universal branch manager's distributor, enroute to Los Angeles to visit folks.

New Happy Hour nite club, largest and most elaborate in Twin Cities, launched.

Don Conley in charge at Columbia during Hy Chapman's vacation in Milwaukee.

Jerry Odium, Paramount scenarist, in from Hollywood to spend holidays with parents.

Arnold and George Crane, independent exhibitors, off to Florida for a fortnight.

Bill Elson committee chairman for Twin City Variety club's children's Christmas party.

Levy 20th-Fox district manager, to remain in California until after first of year.

Jay MacFarland, National Screen branch manager, invited all members to the Twin City Variety club to help him celebrate his birthday.

Jack Schlaifer and Jack Goldhar, United Artists' western division and district managers, respectively, here to confer with J. J. Fried on Paramount circuit deal.

Abe Kaplan to be drafted as Twin City Variety club's district rep if he'll accept, Norwood Hall, recently elected, being found ineligible for office because of insufficient resident membership.

Picture gifts for the Journal's free Christmas show for underprivileged children at the Orpheum, with Manager Bear's of the house, and Merle Potter, critic, in charge.

Pittsburgh

By Hal Cohen

Sam Gould up and around again, but still has to use a cane.

Playhouse may do an original revival of 'The Sign of the Cross'.

Sup. Tele drama ed Bill Lewis and the missus home from Florida vacation.

Beverly Stull back from nitery run in Washington to rest for few weeks.

Variety Club has organized a basketball team with Ray Downey in charge.

Lola Moore off again on another world tour with her 'Dance of Lovers.'

Mike Cullen's mother here from Washington spend the holidays with friends.

Postmaster Steve Bodkin hosting brother Tom Bodkin, here with 'The Town.'

Town's youngest maestro, Brad Hunt, celebrated 20th birthday yesterday (27).

Hal Davis and Gene Urban new board members of Local 60 Musicians Union.

RKO presented Mabel Sessi with chest of silver upon her marriage to Joe Packman.

Johnny still celebrated both birthday and first wedding anniversary over weekend.

Manie Sachs coming in for Jackie Heller's opening at William Penn hotel Saturday (31).

Coast duties cancelled Director Sylvan Simon's scheduled holiday visit with his mother.

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London

Eddie Peabody to the Scala, Berlin, for February, with dates in Sweden to follow.

'They Walk Alone' Max Catto's play tried to make a go of it, but went into the Shaftesbury Jan. 21 for run.

Charles Urry, brother of Len Urry, likely to join the Charles Tucker agency early in the year.

John Sutro has joined the board of Capad, newly formed film production organization, which passes through Associated British Film.

Sam Joseph organizing charity auction of books for German and Austrian refugees. Books will be by living authors bearing their autographs.

Reports are 'Magyar Melody,' the rewritten 'Paprika,' was success in Manchester. It goes to Glasgow for four weeks and then to His Majesty's, London.

'Gang's All Here' is title of Jack Buchanan's new picture, which he's doing with Associated British Pictures at Eilstree. Thornton Freeland directing.

Paramount trying to dispose of the Carlton theatre, as it figures the Plaza is enough for first runs in the West End. Will not let to opposition company.

Cliff Whitley likely to return to West End musical production with version of Walter Hackett's old American farce, 'It Pays to Advertise,' with Bobby Howes to head the cast.

Noel Coward's 'Design for Living,' never staged here, opens at Brighton for a week and comes to the Haymarket Jan. 25. Leads are Diana Wynyard, Rex Harrison and Anton Walbrook.

John Gludg staging for charity Oscar Wilde's 'The Importance of Being Earnest,' at the Globe for eight matinees, from Jan. 31. Show has not been in the West End for 15 years.

Henry Cotton getting many offers to play vaudeville after his Coliseum opening, but turning 'em all down due to contract restrictions with America next month for series of exhibition golf matches.

Metro's deal for business offices to be moved from Tower street to the County Arcade, adjoining Saville theatre, fell through. Now likely to accept accommodations in Leicester Square.

Gaumont's Holloway, has arranged to change its policy from one feature and big-time vaudeville to double feature and medium-priced vaude, but suddenly decided to continue with original policy.

Acts booked for African tour, sailing Jan. 28, are Duncan Sisters, Cookey Bowers, Chester Frederick and Gloria Day, Gipsy Nina, Maurice and May, and Hatten and Manners. First five are all Foster acts.

Reverie Co. is going through a capital reorganization while new assets are reduced by £2,500,000. There's also a modification of the redemption rights of the holders of £1,950,000 of 6% debentures.

After several refusals George Black has finally permitted Frances Day to double in cabaret from the Hippodrome musical, 'The Sign of the Cross.' Maurice Posen has booked her for the Cafe de Paris for four weeks, opening Jan. 9.

French 'Without Tears' closes at the Criterion Jan. 28 after run of two years and three months. Then goes to Golder's Green and Streetnam, week at each spot, and returns to the Criterion to gig at the Piccadilly at cheap prices.

Criterion leased by Henry Sherek, prior to his departure for America, to the West End, featuring writers Tommy Dugan and Ray Mays, with 'New Faces' (RKO), who have a revue which Sherek stages some time in February. Naughton Wayne and Calgary Bros. to star in latter.

Rome

Three Scaleria Film productions on at Cine Citta.

Italia Vitanale, once a legit star, dead at 72 in Milan.

Hilda Harell starring in new musical at the Scala.

The De Filippo brothers to Milan with their Neapolitan company.

Amleto Palmieri preparing for Mafiosi film production 'Napoli che non muore.'

Shakespeare's 'Twelfth Night' given at the Eliseo, with Adelina Pagnani clicking.

Ruggiero Romano interpreting in French and Italian new Scaleria production, 'Papa Lebonnard.'

Astra and Ufa producing 'Castelli in Asina,' starring Lillian Harvey and Vittorio De Sica. Augusto Genina directing.

Newly formed legit company directed by Cominetti performing at the Valle Stars Luigi Almirante and Rosana Mendi.

'Terra di Nessuno' in production at Cine Citta. Director is Mario Baffio. Script from two Luigi Pignatelli, who handled Umberto Picasso, Laura Solari and Valli Coradi starred.

New comedies scheduled this season: 'Fontana dei Sospiri,' by Salva-

tor Gotta; 'Tutte le cose finiscono,' by Guido Cantini, and 'Est Ovest,' 'Lettere d'Amore' and 'Autunno,' all by Giuseppe Cherassi.

Leading soprano, Gina Cigna, became sick shortly before opening of the Royal Opera theatre's first performance of the season recently. Dilettante Tullio Serafin replaced scheduled Tommezzini's new opera, 'La Nave,' from D'Annunzio's play, with 'Tannhauser' in 50 minutes.

St. Louis

By Sam X. Hurst

Ballet Russe will give four performances in Municipal Auditorium Jan. 6-7-8.

Salary bonuses totaling \$5,300 were distributed to 109 employees of Loew's theatre and M-G exchange.

Carle, burg's sole burlesque house, opens (30) after being shut for three weeks because of slumping biz.

Because of Xmas, St. Louis symphony moved from its regular concert to Thursday. Myra Hess, English pianist, drew well.

Mrs. Mary Kathryn Baker, who, as Kathryn Mary Baker, was member of the 1935 Vesper chorus, died in hospital from pneumonia.

Paramount newsreel made sound films of new KSD facsimile newspaper broadcast in home of Robert L. Coe, station's chief engineer.

Tap for New Year's Eve parties here range from \$1 in smaller bistros to \$5.50 in the hotels that also furnish entertainment. Prices about same as last year.

All criminal charges against Mrs. Irene Kite, ax-wielding reformer of Alton, Ill., have been dropped. Mrs. Kite in Madison County, Ill., recently went on a tour to purge the county of gambling by smashing slot machines.

Paris

By Hugo Speck

Lemarchand in from America. Marie Dubas in from Swiss tour.

Rita Grogg topping European bill. Grace Moore concerted at Salle Pleyel.

Pierre Brasseur and Jeanne Provost to Rome.

Edwige Feuillere to star in 'Francis-Ferdinand.'

'Swiss Miss' (M-G) opening at the Campes-Etoile.

'The Nid' ('The Nest') opened at Theatre Daunou.

'Marseille Mes Amours,' new revue, opens at Alcazar.

Bernard Zimmou starting his play, 'Le Veau Gras,' for film.

Vivienne Romance receiving hospital treatment after fall.

Meggie Jean Renoir becoming own producer for his next film.

Revue starring Charpin, Nadia Dauty and Maurice at ABC.

Robert F. assistant to Marcel 'Herberie, on own as meggie.

Henri 'Albert presenting new Pierre De revue at Deux-Anes.

Edouard Bodet denying he's quitting direction of Comedie-Francaise.

'Werther,' starring Pierre-Richard Wilms and Annie Vernay, at the Cesar.

'Rue des Vertus' will be Marcel Carne's next, and will star Jean Gabin.

Maurille Balin signing with Maurice de Canonge for his 'Le Capitaine Benoit.'

John Lodge starring opposite Miss Romanoff in 'L'Esclave Blanche,' now in production.

Jean Murat to Rome to appear in 'Le Pere Lebonnard,' which Jean de Ligne is making.

Three 'Waltzes,' starring Pierre Fresnay and Yvonne Printemps, opened at Marginal.

Dita Parlo in from Italy after completing French and Italian versions of 'La Dame de Monte Carlo.'

Clara Longworth de Chambrun turning theatre critic for Paris edition of New York Herald Tribune.

'La Nez de Cleopatra' ('The Nose of Cleopatra'), by Leopold Marchand and Edouard Crocchia, at Marginal.

Jaslette Lanvin signed with Marcel 'Herberie for his next, 'La Brigade Sauvage,' opposite Charles Vanel.

Henry Bernstein expected to be selected from three applicants to direct city of Paris' Theatre des Ambassadeurs next year.

At 40 Paces

(Continued from page 1)

for a trip to New York, if it stacks up.

Cutters have even hired Russell Abbott, a professional director, and Mitch Plotkin, a pro publicizer.

Troupe will carry 16-piece symphony. Operetta has one of those Graustarkian kingdom themes. Tunes and players are getting good as advance break from critics who have taken a look.

Lead of king is taken by a coat-cutting, sleeve-cutter in prince while hand-stitcher is the princess. No chance for any kinks to a wardrobe mistress, because tailor-actors have to sew their own costumes.

Hollywood

Alan Hale laid up with flu. Shirley Ross to New Orleans.

Victor Mature in from London. Ray Garnett back from Manhattan.

Sam Berkowitz back from London.

Joe Rogers in from midwest personals.

Tony Martin to Detroit for personals.

Tanguay recovering from arthritis.

Capt. William Morris back from Africa.

Alec Lawes in from Australian vaudeville.

Edward J. Mannix recuperating in Tucson.

Walter Lantz recovering from pleurisy.

Harry Brand back at his desk after flu attack.

Gracie Fields leaving on personal tour Jan. 5.

Jim Lash, Mahlin recovering from pneumonia.

Truman Bradley visiting the folks in Chicago.

Hunt Stromberg back from Broadway variety to New York for his father's funeral.

Joseph Mandkewicz trained in from Manhattan.

James Granger holidaying with his son, Edmund.

Joan Davis to Chicago for personal appearance.

Hugh Herbert in hospital as a result of auto crash.

George Laganas in from New York for studio huddles.

Robert Odell recovering after being tossed by a horse.

Joan Crawford awarded trophy by fan mail cameramen.

Joan Marsh and Charles Belden back from honeymoon.

Widow Mampstead returned from South American vacation.

Mel Epstein named assistant to Wesley Ruggles at Paramount.

Jack Anderson taking a leave of absence from his film chores.

The Jerry Hoffmans celebrated their 15th wedding anniversary.

Prexy M. L. Brittain, of Georgia Tech, guest of X. Frank Freeman.

Van Van Druten here from London as guest of Manuel Del Campo.

Kane Richmond nursing arm injury sustained during fight sequence, 'The Sign of the Cross.' Fund benefited by \$5,000 on sale of Christmas cards.

Frankie Darro celebrated 21st birthday and cut loose from guardianship.

Charles Irwin finished 18 months as m. c. for Orpheum theatre's weekly guest-star night, and was presented with a wrist watch by Manager Sherrill Cohen.

Berlin

Mrs. Jack London in Berlin.

Cavalcade' revived at Kamera.

Carl Friedrich trying his hand at film script.

King of Italy handed Emil Jennings Italian medal.

Radio and television pact signed on regular exchange of radio programs.

Walter Schreiber, Berlin Paramount press agent, marrying Elfrida.

Barnabas von Gezy, contracted for three weeks, etherizing over Deutschlandsender.

International Festival of Contemporary Music to come off at Baden-Baden beginning of April.

Hans Albers bought dramatic rights of Dumas' drama, 'Kean,' adapted by Johannes von Guenther and Bernd Hofmann.

OBITUARIES

HOWARD E. MORTON

Howard E. Morton, 60, editor of the Sunday edition of New York Journal-American, died in New York Dec. 23 of a heart attack. He'd been associated with Hearst Newspapers since 1900.

Though most of his life was spent in news work, he became a playwright and screen writer to some extent. His play, "The Dream Maker," brought William Gillette out of retirement in 1929. With rise in motion pictures he made several trips to the Coast, where he wrote for D. W. Griffith and others. William S. Hart appeared in one film he wrote.

His widow, nee Eleanor Gordon, a former actress, survives.

KAREL CAPEK

Karel Capek, 48, prominent Czechoslovakian editor, author and playwright, died Dec. 25 at Prague. He had kept in the background since the advent of the new regime.

Capek wrote "R.U.R.," produced in New York in 1922, which put 'robot' into the American vocabulary. Later he became director of the Municipal theatre at Prague and wrote "The World We Live In," "The Macabrous Affairs," produced in New York in 1926; "Power and Glory," "White Malady" and "The Mother." He also published a number of novels.

He was married in 1935 to Olga Sheinpugova, Czech actress.

HARRY MYERS

Harry Myers, 56, veteran film actor, died in Hollywood, Dec. 25 after an illness of three days. Coming from the stage he scored hits in the early silent days of motion pictures, being starred in the original "Connecticut Yankee" which later was used as a starring vehicle for Will Rogers. He had an important part in Charlie Chaplin's "City Lights" seven years ago and later had been cast with Bing Crosby in several of the singer's films.

Rosemary Theby, also a favorite of early Lubin and Universal output, whom he married while acting for the latter, survives.

RAYMOND SOOY

Raymond Sooy, 59, for the past 11 years superintendent of recordings for RCA-Victor, died Dec. 21 of a heart attack at his home in Merchantville, N. J.

Sooy kept a diary of each recording session, noting down the words of the artists. At the time of his death he was compiling a book of memoirs based on the diary.

Two of Sooy's brothers also worked for Victor, Charles and Harry. It was on latter's death in 1927 that Raymond became head of the recording department.

J. FRANK BROCKLISS

J. Frank Brockliss, 59, ex-chairman of the British Cinematograph Manufacturers' Association and past chairman of the Committee of the British Board of Censors, died in London Dec. 23.

Lately he had devoted the greater part of his time to the welfare of his own interests, the accessory house he founded. From 1921 to '25 he directed the Metro Paris office which he established, and then became managing director of First National Pictures, Ltd., in London until 1927.

CHARLES S. MERCEIN

Charles S. Mercein, 50, advertising executive and dramatist, died in Milwaukee Dec. 21, after a year's illness.

Began working as a cub reporter for a local newspaper, but moved to Detroit in 1915 where he became a protégé of Walter Hampden. Later he returned to Milwaukee. At his death he was v.p. of Klau, Van Pietersom, Dunlap & Associates, Inc. His sister is Mrs. Eleanor Mercein Kelly, writer.

Surviving, his widow, sister and a son, Tom.

ANTHONY KINNEY

Anthony Kinney, 40, manager of the Santa Clara (Calif.) theatre and former manager of a Stockton hotel was found dead in a San Jose hotel room Dec. 18, a bullet through his heart. He had apparently ended his life the day before.

Kinney left three notes, one to his theatre employers, another to his former wife, and a third 'to all my friends.' He explained he 'just couldn't take it any longer.'

MRS. CHARLOTTE E. DE ANGELIS

Mrs. Charlotte Elliott De Angelis, 43, former stage player and widow of Jefferson De Angelis, died Dec. 22 in New York.

Mrs. De Angelis appeared in a number of plays and light operas with her husband. She was born in Marlboro, Mass., and studied music in London. Her marriage took place in 1927. A sister, Mrs. Clifton Dunlap, and a brother, Elinus Elliott, survive.

MRS. EDWINA BOOTH CROSSMAN

Mrs. Edwin Booth Crossman, only daughter of Edwin Booth, 77, died suddenly Dec. 24 in New York. Born in England, Mrs. Crossman came to this country with her father when very young and attended the Sacred Heart Convent, Philadelphia. She was married in 1885.

Two children, Edwin Booth Crossman and Mrs. Mildred Booth Tilton, survive.

WILLIAM N. MERRICK

William N. Merrick, 83, musician, composer and many years a leader of circus bands, died Dec. 20 at his home in Zanesville, Ohio, after a brief illness. He retired in 1914, but composed "Vote for Landon" in 1936. He was a former member of Sousa's band.

Merrick was born in Zanesville April 1, 1856. During 32 seasons he had charge of the Sells Bros. circus band. His widow, three sons and a daughter survive. Burial was in Zanesville.

LOUIS REINHARD

Louis Reinhard, 79, one of the first vaudeville band leaders, who once worked for Tony Pastor, died Friday night (23) in Brooklyn. For years, when the Orpheum, Brooklyn, played Keith vaudeville, he conducted the orchestra there.

About 10 years ago he was shifted from that theatre to what is now the RKO home office, where he was in the company's statistical department at the time of his death.

WILLIAM GRAINGER

William F. Grainger, 84, died Dec. 23 in Hollywood. A lifelong friend of Frank Sinatra, whom he appeared in several legit shows, Grainger for past few years had made his home with Mrs. Bacon, in Hollywood. He played with Bacon during entire run of "Lightnin'" in New York, and was also with the star during run of "Fortune Hunter" in Chicago. At one time Grainger was a star in his own right.

MICHAEL PRESS

Michael Press, 67, conductor and violinist, died Dec. 21 at Lansing, Mich., following a long illness. Press was last a professor of violin at the Michigan State College of Music. Prior to that he was a teacher at the Curtis Institute, Philadelphia; conductor of the Philadelphia Philharmonic; member of the Philadelphia Orchestra, and guest conductor of the Boston Symphony.

RICHARD H. CUMMINGS

Richard H. Cummings, 50, vaudeville, minstrel, legitimate, and film actor, died in Los Angeles, Dec. 25. He got his start in pictures in 1912 with the old Tannhauser Company in New York. Later he went to Hollywood for a role in D. W. Griffith's "Birth of a Nation."

He retired just a few years ago.

ARTHUR BARRY

Alfred Booty, 70, known professionally as Arthur Barry, died Dec. 21 in Flushing, N. Y., after a three-day illness from pneumonia.

Born in England, Booty had appeared with Lew Dockson, J. Van Drew, L. Forbes-Robertson and others. Widow, Mrs. Grace C. Booty, formerly a concert pianist, and a son, Alfred O. Booty, survive.

LEO DABOUX

Funeral services were held Dec. 16 for Leo Daroux Hickman, 50, at Mr. and Mrs. Danenberg, daughter, Dec. 22 at Norwalk, Conn. Father's publisher and mother's writer on Bridgeport Herald.

Mr. and Mrs. Lester White, twin son and daughter, in Hollywood, Dec. 26. Father is Metro cameraman.

Mr. and Mrs. Del Sharbutt, daughter, in New York, Dec. 24. Father is radio announcer. Mother is former singer.

Mr. and Mrs. Richard Mills, daughter, in Brooklyn, N. Y., Dec. 26. Son of Irving Mills, with Mills Artists. She's former Shirley Heller (vaude).

way appearance was in "The Country Wife," with Ruth Gordon, last season.

H. H. McCOLLUM

H. H. McCollum, 54, legit player, died Dec. 19 in New York. McCollum was born in Wilkes-Barre, Pa., where he taught school and studied law. He had appeared in several plays on Broadway and was rehearsing a Federal Theatre show when he became ill.

FORREST N. SCONCE

Forrest N. Sconce, 26, was fatally burned while rescuing his four-year-old son from a fire which burned their home Dec. 22. Sconce was formerly chief of service at the Indiana theatre, Indianapolis, and held a similar post at the Fox, San Diego, in 1932-33.

HARRY GARRIC

Henry Garric, 60, one of the founders and treasurer of the Little Theatre, New Orleans, died Dec. 26 of a heart attack. He was also one of the group's best known actors. Widow survives.

AL GREEN

Al Green, pit orchestra leader for more than 25 years in the old vaude days at the Temple theatre, Detroit, died Dec. 18 in Detroit, from heart affliction. For the past two years he had conducted his own concert orchestra in Detroit.

CHARLES BERNHARD

Charles Bernhard, 73, composer, died Dec. 22 in Hollywood. He was a member of the Mutual Musician Ass'n of New York and was known for his "Coronation March." Surviving are his widow, son and daughter.

Ethelwyn Evans, 24, wife of Tom Evans, screen player, died Dec. 17 in Hollywood.

FAIR CONCESSIONAIRES PUSH ORGANIZING MOVE

After Jan. 1 letters will be sent to every proposed concessionaire at the New York World's Fair in canvassing drive to group them together in newly formed association. Harry D. Baker, president of the National Assn. of Amusement Park Owners, is temporarily heading the organization which was formed to create a united front among concessionaires.

A committee has been formed to work out plans and by-laws. They also report after the first of the year when organization will adopt a name. Meeting held last week in Baker's office was first official setup taken. Boys had been talking about idea for about a month before actually getting started. Idea is to have united front to deal with problems and to have a say in Fair operation and policy.

Thing was kept at it, concessionaires not wanting to smarten up officials until they were organized. However, mistaken impression was corrected when Grover Whalen approached them and suggested that an association be formed for mutual benefit. He was informed that boys had beaten him to the punch and were already lining up.

BIRTHS

Mr. and Mrs. Tito Guizar, daughter, in Hollywood, Dec. 20. Father is film player and radio singer.

Dr. and Mrs. Herman Semenov, daughter, in Hollywood, Dec. 22. Mother is Sol M. Wurtzel's daughter.

Mr. and Mrs. Joe Redmond, son, in Kansas City, Dec. 17. Father is manager of Fox-Midwest's Esquire, K. C.

Mr. and Mrs. Fred Wilson, son, in Kansas City, Dec. 12. Father is member of editorial staff of Kansas City Star.

Mr. and Mrs. Phil Simmons, daughter, in Pittsburgh, Dec. 19. Mother is former Marie Burke, nitery dancer.

Mr. and Mrs. James Totman, son, in Pittsburgh, Dec. 15. Father's in WB publicity department.

Mr. and Mrs. George F. Callahan, Jr., son, in Pittsburgh, Dec. 17. Father is Exhibitors Service exec.

Mr. and Mrs. Danenberg, daughter, Dec. 22 at Norwalk, Conn. Father's publisher and mother's writer on Bridgeport Herald.

Mr. and Mrs. Lester White, twin son and daughter, in Hollywood, Dec. 26. Father is Metro cameraman.

Mr. and Mrs. Del Sharbutt, daughter, in New York, Dec. 24. Father is radio announcer. Mother is former singer.

Mr. and Mrs. Richard Mills, daughter, in Brooklyn, N. Y., Dec. 26. Son of Irving Mills, with Mills Artists. She's former Shirley Heller (vaude).

WHAT THEY THINK

Local 99 Corrects

Portland, Ore.

Editor, VARIETY:

In your issue of Dec. 14 you represent KGW-KEEX music staff as 23 men. That number is incorrect. Staff employed on those two stations as indicated by our official records is seven men.

You have correctly shown KOIN as 11 men, which station is one of the few in America which has for many years maintained a staff of musicians of at least that size.

Herman D. Kenin, President Local 99, American Federation of Musicians.

Pla for Agents Ass'n

New York.

Editor, VARIETY:

There is need of a whip-cracker for agents and bookers alike. There is need of an organization to weld and to coalesce discordant forces into a healthy and wholesome aggregate. On past occasions attempts on behalf of agents, notwithstanding their perfect persistence to effect such an organization, have met with much discussion but little action. There was more vocal than constructive. Ideas were obscured by divergent opinions.

Big shot bookers shunned the call to meet and discuss ways and means. Personal representatives; personal managers and other phonic evasions looked askance at organizational attempts.

At one meeting "licensing" got a barrage of lambasting from agents fearful of regimentation and control. Little do they realize that "clean hands" need not fear control; that mystery is concomitant with deception; that hidden corners must be lighted for the good of the business; that agents must be kept out of the muddy waters of fish, by some sort of control and management.

Perhaps Commissioner Moss may interest himself in calling an open

meeting for formulation of rules of ethics, beyond which no agent dare tread.

How many agents can afford, when fate strikes indiscriminately, to finance doctor and hospital bills—let alone rent, and office necessities? With an organization we can provide medical, hospitalization and burial expenses; loans, aid and solace in more ways than one. Many abuses and sharp practices can be eliminated. The agent will have come into his own by the simple expedient of getting a voice in his own business. Or perhaps, it is not so simple.

B. Gillman.

W. W. Behrman Clarifies

Terre-Haute.

Editor, VARIETY:

In your issue of Dec. 21, on page No. 24, under Examiners' Reports, you state that "WBOW, which otherwise would not have anything to gain by the change, would receive \$5,000 present for being agreeable with all expenses."

For your records, we wish you to know, and, if possible, to state that the \$5,000 subscribed by the joint applicants, WJBL and WJBC, is to cover all necessary and proper expenses incurred by this company, including engineering and other expenses. It will be necessary for this station to move its transmitter, erect a new transmitter building, as well as make other technical changes. It was stated during the hearing by competent witnesses that the sum of \$5,000 would not actually cover the cost of these changes.

We feel that your description of this Examiner's Report might give rise to the belief that WBOW sold a frequency for \$5,000, which is decidedly not the case. Our only interest in the whole hearing was to enable two Illinois part time stations to get full time.

W. W. Behrman, Director, Radio Station WBOW.

Jack Kearns May Head Michigan State Fair

Detroit, Dec. 27.

Most likely successor to Frank N. Isbey, who pulled Michigan State Fair into black past two years, appears to be Jack Kearns, one-time manager of Jack Dempsey and now a cafe proprietor here.

Although Isbey accomplished what no one else was able to do with the fair for about 10 years, it's generally believed he'll fall under the political axe when Gov. Elmer Fitzgerald assumes office Jan. 1. Isbey, who has served in several appointive political jobs without pay, is being groomed for the Detroit mayoralty race next year under tutelage of Gov. Frank Murphy.

Besides Kearns, other frequently mentioned successors to Isbey include Lee C. Richardson, former Detroit and Lansing newspaperman, and Robert Buckley, member of state fair board and manager of Huron County Fair.

Rochester Expo's Finale

Rochester, N. Y., Dec. 27.

Sale of office furniture and other assets of the Rochester Exposition Ass'n for \$175 on a judgment obtained by the Hutchins Advertising Agency for \$2,971 wrote finis to the 30-year-old Rochester Exposition.

Refusal of the county board of supervisors to appropriate usual \$10,000 was immediate cause of demise, although show has been slipping several years. Mayor Lester Rapp pleaded with the board to provide \$6,000 to pay last year's premiums.

Creditors, led by Hutchins agency, are trying to link city with show by court action to force taxpayers to make good the deficit. Included in funds owed is \$1,500 to 54th Regiment band for music last fall.

MARRIAGES

Lee Dixon to Joseph Herold, in Detroit, Dec. 24. Bride is secretary to Harry Bannister, sales manager at WWJ, Detroit; he's assistant chief engineer at WOW, Omaha.

Mildred Cooley to Jack Stanley, Dec. 27, in Los Angeles. Groom in publicity biz with father, Fred Stanley, former VARIETY mugg.

Louise Campbell to Horace MacMahon, in Chicago, Dec. 27. Both are film players.

Carnival Dates Shift In Midwest; Bookers Turning to AFA Units

Chicago, Dec. 27.

Season of 1939 will see a considerable readjustment of dates among the carnivals, with several key situations having been changed. Farley & Little show, one of the top truck outfits, has a number of the prize plants in the Ohio and Minnesota fair bookings.

Big Three, officially known as the American Corp. of America, is said to have a total of 47 fair dates lined up, with another half-dozen or so pending.

The American Federation of Actors, in unionizing the carnival business, has had a great deal to do with many of these dates. Most of the fair secretaries are taking the attitude that unionization of the carnivals is certain, but they want the carnivals to keep their fights off the fair grounds. Same fair secretaries also realize that union electricians, carpenters, musicians, etc., likely to be affected in case of any trouble between the AFA and the carnivals. For that reason they have refused to negotiate with carnivals until they have cleared their difficulties with the AFA.

\$100,000 Amus. Park

Planned for Charlotte

Charlotte, N. C., Dec. 27.

Construction of a \$100,000 amusement park on a 100-acre tract on the northern city limits is planned by Southern States Exposition, Inc., headed by Dr. J. S. Dorton. The property has been acquired from the J. P. Matheson estate.

Plant will include a race track, swimming pool, coasters, skating rink, agricultural display buildings, pavilion for stage shows, and midway and sideshow attractions.

Dorton managed the Cleveland County fair for 15 years and the State fair at Raleigh for three.

N. C. FAIR DATES TO BE SET

Charlotte, N. C., Dec. 27.

Dates and amusement contracts for this state's 1939 fair will be set at the annual meeting of fair managers at Raleigh, Jan. 19-20.

North Carolina's participation in the N. Y. World's Fair also will be discussed.

WE'RE ALL SMILING



You'd be smiling, too, if you opened on Broadway at the **WARNER BROS. STRAND THEATRE**, New York, playing to **CAPACITY AUDIENCES** and on the way to a new record after opening on December 23rd, supposedly one of the worst days in show business.

TO all my friends in and out of show business... Allow me to extend my wishes for a greater and more prosperous New Year.

Abe Lyman

Opening February 8th with My Pal
HARRY RICHMAN
Royal Palms Club, Miami, Florida

ABE LYMAN *and his Californians*

Tune In On

WALTZ TIME

Fridays, 9 P.M., E.S.T.

Sponsored by Phillip's Milk of Magnesia... Thanks to My Radio Agency, Blackett - Sample - Hummert, Inc.

P. S.:-

To the top flight band leaders of the nation I know you will be happy to hear that we are enjoying our engagement at the Strand Theatre, New York. You, too, will enjoy your engagement at this theatre when you play it I hope you will have that pleasure soon.

Thanks to Willard Patterson, Harry Mayer, Harry A. Gourfain, Zeb Epstein and the entire Warner Bros. organization for their splendid co-operation.



We are appearing at the New York Strand Theatre with Warner Bros.' 'DAWN PATROL,' starring ERROL FLYNN

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